

STATEHOOD FOR HAWAII

1604 - 3

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
TERRITORIAL AND INSULAR AFFAIRS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

FIRST SESSION

ON

H. R. 49

**TO PROVIDE FOR THE ADMISSION OF THE STATE OF
HAWAII INTO THE UNION**

H. R. 339 and H. R. 1246

TO ENABLE THE PEOPLE OF HAWAII TO FORM A CONSTITUTION AND STATE GOVERNMENT AND TO BE ADMITTED INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES

H. R. 1243

TO ENABLE THE PEOPLE OF HAWAII AND ALASKA EACH TO FORM A CONSTITUTION AND STATE GOVERNMENT AND TO BE ADMITTED INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES

APRIL 8, 9, AND 16, 1957

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STATEHOOD FOR HAWAII

MONDAY, APRIL 8, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TERRITORIAL AND INSULAR AFFAIRS
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m., in the committee room, New House Office Building, Hon. Leo W. O'Brien (chairman of the subcommittee) presiding.

Mr. O'BRIEN. The Subcommittee on Territorial and Insular Affairs will be in order.

The hearing has been called for the purpose of receiving testimony on H. R. 49, H. R. 339, H. R. 1243, and H. R. 1246, by Messrs. Burns, Mack, and Saylor, all bills providing for the admission of the State of Hawaii into the Union, with the exception of the Saylor bill, H. R. 1243, to enable the people of Hawaii and Alaska each to form a constitution and State government and be admitted into the Union on an equal footing with the Original States.

On the bills under consideration this morning, we have a favorable report from the Interior Department, a favorable report from the Agriculture Department, a favorable report from the State Department on both Hawaii and Alaska statehood bills, and we have as yet received no report from the Justice Department.

Without objection, the bills and the reports will be printed at this point in the record.

(H. R. 49, H. R. 339, H. R. 1243, and H. R. 1246, and the departmental reports follow:)

[H. R. 49, 85th Cong., 1st sess.]

A BILL To provide for the admission of the State of Hawaii into the Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 7 (c) of this Act, the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and adopted by a vote of the people of Hawaii in the election held on November 7, 1950, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Sec. 2. The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, included in the Territory of Hawaii on the date of enactment of this Act, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall

not be deemed to include the Midway Islands, Johnston Island, Sand Island (off-shore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Sec. 3. The constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Sec. 4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, is adopted as a law of said State, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That (1) sections 202, 218, 219, 220, 222, 224, and 225 and other provisions relating to administration and paragraph (2) of section 204, sections 208 and 212 and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for ordinary State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment or law, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for ordinary State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

Sec. 5. (a) The State of Hawaii and its political subdivisions, as the case may be, shall retain all the lands and other public property title to which is in the Territory of Hawaii or a political subdivision thereof, except as herein provided, and all such lands and other property shall remain and be the absolute property of the State of Hawaii and its political subdivisions, as the case may be, subject to the constitution and laws of said State: *Provided, however*, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall be and become vested with absolute title thereto, or an interest therein conformable to such limitations, as the case may be.

(b) The United States hereby grants to the State of Hawaii, effective upon the date of its admission into the Union, the absolute title to all the public lands and other public property in Hawaii title to which is in the United States immediately prior to the admission of such State into the Union, except as otherwise provided in this Act: *Provided, however*, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall retain absolute title thereto, or an interest therein conformable to such limitations, as the case may be. As used in this subsection, the term "public lands and other public property" means, and is limited to, the lands and other properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or other properties so ceded. The lands hereby granted shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) The lands granted to the State of Hawaii pursuant to the preceding subsection, together with the proceeds thereof and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other

object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under the preceding subsection shall be used for the support of any sectarian or denominational school, college, or university.

(d) Effective upon the admission of the State of Hawaii into the Union all laws of the United States reserving to the United States the free use or enjoyment of property hereinabove vested in the State of Hawaii or its political subdivisions, or the right to alter, amend, or repeal laws relating thereto, are hereby repealed.

(e) The Submerged Lands Act of 1953 (Public Law 81, Eighty-third Congress, first session; 67 Stat. 20) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Sec. 6. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 8, 1958, to certify such fact to the Governor of Hawaii. Thereupon the Governor, on or after July 8, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices provided for by the constitution of the proposed State of Hawaii, but the officers so elected shall in any event include two Senators and two Representatives in Congress. Until and unless otherwise required by the constitution or laws of said proposed State, said Representatives shall be elected at large.

Sec. 7. (a) The proclamation of the Governor of Hawaii required by section 6 shall provide for holding of a primary election on October 4, 1958, and a general election on November 4, 1958, and at such elections the officers required to be elected as provided in section 6 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Hawaii may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Hawaii for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Hawaii may prescribe. The Governor of Hawaii shall certify the results of said elections, as so ascertained, to the President of the United States.

(b) At an election designated by proclamation of the Governor of Hawaii, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

"(1) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved _____, and all claims of this

(date of approval of this Act)

State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(2) All provisions of the Act of Congress approved _____

(dated of approval of this Act)

reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii, are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of the second paragraph of section 2 of this Act in lieu of any other language; and section 8 of article XIV shall be deemed amended so as to contain the language of the second proposition above stated in lieu of any other language. In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of Hawaii is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Hawaii, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Hawaii, the President, upon

certification of the returns of the election of the officers required to be elected as provided in section 6 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Hawaii shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial offices in or under or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representatives in the manner required by law, and the said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Sec. 8. The State of Hawaii upon its admission into the Union shall be entitled to two Representatives until the taking effect of the next reapportionment, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

Sec. 9. Effective upon the admission of the State of Hawaii into the Union—

(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided, however*, That the terms of office of the district judges for the District of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 134 of title 28, United States Code, is amended to read as follows:

"(a) The district judges, except in Puerto Rico, shall hold office during good behavior. The district judge in Puerto Rico shall hold office for the term of eight years, and until his successor is appointed and qualified."

Sec. 10. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "including the United States District Court for the District of Puerto Rico."

Sec. 11. Effective upon the admission of the State of Hawaii into the Union—

(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii, where the term shall be six years";

(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii where the term shall be six years"; and

(d) subsection (d) of section 541 of title 28, United States Code is repealed.

Sec. 12. No action, case, proceeding, or matter pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union,

but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no indictment, action or proceedings shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

Sec. 13. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Sec. 14. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1252, is amended by striking out "Hawaii and" from the clause relating to courts of record;

(b) title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1294, is amended by striking out paragraph (5) thereof and by renumbering paragraphs (6) and (7) as paragraphs (4) and (5) respectively;

(d) the first paragraph of section 373 of title 28, United States Code, is amended by striking out the words "United States District Courts for the districts of Hawaii of Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii": *Provided*, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: *And provided further*, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or

as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under sections 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in commission as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) section 92 of the Act of April 30, 1900 (ch. 359, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

(f) section 86 of the Act approved April 30, 1900 (ch. 359, 31 Stat. 158), as amended, is repealed;

(g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico"; and

(h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico".

Sec. 15. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as hereinbefore provided with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States.

Sec. 16. (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (48 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to, or which may hereafter be acquired by, the United States.

(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws heretofore enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes.

Sec. 17. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When any State is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

Sec. 18. (a) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, its Territories, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

(b) Effective on the admission of the State of Hawaii into the Union—

(1) the first sentence of section 506 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1156), is amended by inserting before the words "island possession or island territory", the words, "island State" and a comma;

(2) section 005 (a) of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1175), is amended by inserting before the words "island possession or island territory", the words "island State" and a comma; and

(3) the second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1204), is amended by inserting before the words "island possession or island territory", the words "island State" and a comma.

Sec. 19. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress are hereby repealed.

[H. R. 339, 85th Cong., 1st sess.]

A BILL To enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. That the citizens of the United States who are bona fide residents of that part of the United States now constituting the Territory of Hawaii are hereby authorized to form for themselves a constitution and State government, with the name "State of Hawaii", which State, when so formed, shall be admitted into the Union, all as hereinafter provided.

The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, now included in the Territory of Hawaii, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Sec. 102. Sections 2 and 3 of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), which sections provide for the election of delegates, the organization of a constitutional convention and the forming of a constitution and State government for the proposed State of Hawaii, are hereby ratified, and the convention for which provision is made in said Act of the Territorial legislature shall be, and is hereby, recognized as the body authorized to form a constitution and State government for said proposed State.

The constitution shall be republican in form, shall make no distinction in civil or political rights on account of race or color, shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and shall provide that no person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the State of Hawaii or of the United

States shall be qualified to hold any public office of trust or profit under the State constitution. Said constitution shall provide:

First. That no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Second. That provisions shall be made for the establishment and maintenance of a system of public schools which shall be open to all children of said State and free from sectarian control.

Third. That the debts and liabilities of said Territory of Hawaii shall be assumed and paid by said State and all debts owed to said Territory of Hawaii shall be collected by said State.

Fourth. That the State and its people cede to the United States, and disclaim title to, the property in the Territory of Hawaii set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union as more particularly provided in the next section of this Act.

Fifth. That, as a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, is adopted as a law of said State, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That (1) sections 202, 213, 210, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for ordinary State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment or law, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for ordinary State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

Sixth. That the lands and other property belonging to citizens of the United States residing without said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

Seventh. That said State and its people do agree and declare that no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States; and that all provisions of this Act reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property herein made to the said State, are consented to fully by said State and its people.

SEC. 103. (a) The State of Hawaii and its political subdivisions, as the case may be, shall retain all the lands and other public property title to which is in the Territory of Hawaii or a political subdivision thereof, except as herein provided, and all such lands and other property shall remain and be the absolute property of the State of Hawaii and its political subdivisions, as the case may be, subject to the constitution and laws of said State: *Provided, however*, That, as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall be and become vested with absolute title thereto, or an interest therein conformable to such limitations, as the case may be.

(b) The United States hereby grants to the State of Hawaii, effective upon the date of its admission into the Union, the absolute title to all the public lands and other public property in Hawaii title to which is in the United States immediately prior to the admission of such State into the Union, except as otherwise provided in this Act: *Provided, however*, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to

law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall retain absolute title thereto, or an interest therein conformable to such limitations, as the case may be. As used in this subsection, the term "public lands and other public property" means, and is limited to the lands and other properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or other properties so ceded. The lands hereby granted shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) The lands granted to the State of Hawaii pursuant to the preceding subsection, together with the proceeds thereof and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under the preceding subsection shall be used for the support of any sectarian or denominational school, college, or university.

(d) Effective upon the admission of the State of Hawaii into the Union all laws of the United States reserving to the United States the free use or enjoyment of property hereinabove vested in the State of Hawaii or its political subdivisions, or the right to alter, amend, or repeal laws relating thereto, are hereby repealed.

(e) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

SEC. 104. The joint resolution of the Territorial Legislature of Hawaii entitled "Joint resolution providing for the submission to the people of the Territory of Hawaii of the constitution framed by the convention held pursuant to Act 334 of the Session Laws of Hawaii, 1949, and in the event of failure of ratification, the framing and submission of a new constitution, and making appropriations therefor", approved October 12, 1950 (Joint Resolution 1, Special Session Laws of Hawaii, 1950), which section provides for the submission to the people of the Territory of Hawaii, for ratification or rejection, of the proposed constitution framed by the constitutional convention held pursuant to sections 2 and 3 of the Act of the Territorial Legislature of Hawaii approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and of any new constitution framed by such convention in consequence of a rejection of the proposed constitution by the people, is hereby ratified; and the election held on November 7, 1950, pursuant to section 1 of said joint resolution, at which election the people of the Territory of Hawaii ratified the proposed constitution by a majority of the votes cast shall be, and hereby is, recognized as constituting due ratification of said constitution by the people of Hawaii.

A certified copy of said constitution shall be submitted by the Governor of the Territory of Hawaii to the President of the United States. Thereupon the President of the United States shall forthwith submit said constitution to the Congress for its consideration. The Congress shall within sixty legislative days after receipt thereof approve or disapprove said constitution. Should the Congress by a majority vote approve said constitution, it shall be the duty of the President, on or after June 5, 1956, and not later than July 5, 1956, to certify such approval to the Governor of the said Territory. Thereupon the Governor, on or after July 5, 1956, and not later than August 3, 1956, shall issue his proclamation for the elections, as hereinafter provided, of officers for all elective offices provided for by the constitution and laws of said State, but the officers so to be elected shall in any event include two Senators and two Representatives in Congress. Until and unless otherwise required by the constitution or laws of said State, said Representatives shall be elected at large.

If the Congress shall disapprove said constitution, such disapproval shall immediately be certified by the President to the Governor of said Territory, with the objections to the proposed constitution; the Governor thereupon by proclamation shall order the constitutional convention to reassemble at a date not later than twenty days after receipt of such notification and thereafter a new constitution may be formed and the same proceedings shall be taken in regard thereto in like manner as if the proposed constitution had been rejected by the people and as if the new constitution were being originally submitted to the President for approval by the Congress: *Provided*, That not more than one election shall be held under the authority of this paragraph.

If the Congress shall fail to approve or disapprove the constitution within the sixty legislative days provided for in the second paragraph of this section, the constitution shall be deemed to be approved, and it shall be the duty of the President to certify such fact to the Governor of said Territory, who shall thereupon proceed in like manner as though the constitution had been expressly approved.

Sec. 105. In case the Congress approves the constitution duly ratified by the people of said Territory, all as hereinbefore provided, a primary election shall be held on October 6, 1950, and a general election on November 6, 1950, and said primary and general election dates shall be duly named in the proclamation of the Governor of said Territory provided for in the preceding section. At such elections the officers required to be elected as provided in section 104 shall be, and officers for other elective offices provided for by the constitution and laws of said State may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by said constitution and the laws of said State for the election of members of the State legislature. The returns thereof shall be made and certified in such manner as the constitution and laws of said State may prescribe. The Governor of said Territory shall certify the results of said elections, as so ascertained, to the President of the United States.

At an election designated by proclamation of the Governor of said Territory, which may be the general election held pursuant to the preceding section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

"(1) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved _____, and all claims of this

(date of approval of this Act)

State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(2) All provisions of the Act of Congress approved _____

(date of approval of this Act)

reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii, are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of the second paragraph of section 101 of this Act in lieu of any other language; and section 8 of article XIV shall be deemed amended so as to contain the language of the second proposition above stated in lieu of any other language. In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of said Territory is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the secretary of Hawaii, who shall certify the results of the submission to the Governor of said Territory. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

If a proposed constitution, duly ratified by the people of Hawaii, has been approved by the Congress, and the President shall find that the propositions set forth in this section have been duly adopted by the people of Hawaii, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 4, shall thereupon issue his proclamation an-

nouncing the results of said election as so ascertained. Upon the issuance of said proclamation by the President of the United States, the proposed State of Hawaii shall be deemed admitted by Congress into the Union by virtue of this Act on an equal footing with the other States.

Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial offices in or under or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representatives in the manner required by law, and the said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 106. The State of Hawaii upon its admission into the Union shall be entitled to two Representatives until the taking effect of the next reapportionment, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

SEC. 107. Effective upon the admission of the State of Hawaii into the Union—

(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided*, however, That the terms of office of the district judges for the district of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 134 of title 28, United States Code, is amended to read as follows:

"(a) The district judges, except in Puerto Rico, shall hold office during good behavior. The district judge in Puerto Rico shall hold office for the term of eight years, and until his successor is appointed and qualified."

SEC. 108. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "including the United States District Court for the District of Puerto Rico,".

SEC. 109. Effective upon the admission of the State of Hawaii into the Union—

(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii, where the term shall be six years";

(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii where the term shall be six years"; and

(d) subsection (d) of section 541 of title 28, United States Code, is repealed.

SEC. 110. No action, case, proceeding, or matter pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union,

but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no indictment, action, or proceedings shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

Sec. 111. Parties shall have the same rights to appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Sec. 112. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1252, is amended by striking out "Hawaii and" from the clause relating to courts of record:

(b) title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1294, is amended by striking out paragraph (5) thereof and by renumbering paragraphs (6) and (7) as paragraphs (4) and (5) respectively;

(d) the first paragraph of section 373 of title 28, United States Code, is amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii": *Provided*, That the amendments made by the subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: *And provided further*, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice

of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in commission as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) section 92 of the Act of April 30, 1900 (ch. 339, 31 Stat. 150), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

(f) section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;

(g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico"; and

(h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico".

SEC. 113. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as hereinbefore provided with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States.

SEC. 114. (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section I of the Act of April 19, 1930 (46 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to, or which may hereafter be acquired by, the United States.

(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes.

Sec. 115. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When any State is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

Sec. 116. (a) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, its Territories, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

(b) Effective on the admission of the State of Hawaii into the Union—

(1) the first sentence of section 506 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1156), is amended by inserting before the words "Island possession or island territory", the words, "Island State" and a comma;

(2) section 605 (a) of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1175), is amended by inserting before the words "Island possession or island territory", the words "Island State" and a comma; and

(3) the second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1204), is amended by inserting before the words "Island possession or island territory", the words "Island State" and a comma.

Sec. 117. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress are hereby repealed.

[H. R. 1243, 85th Cong., 1st sess.]

A BILL To enable the people of Hawaii and Alaska each to form a constitution and State government and to be admitted into the Union on an equal footing with the original States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

Sec. 101. That the citizens of the United States who are bona fide residents of that part of the United States now constituting the Territory of Hawaii are hereby authorized to form for themselves a constitution and State government, with the name "State of Hawaii", which State, when so formed, shall be admitted into the Union, all as hereinafter provided.

The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, now included in the Territory of Hawaii, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Sec. 102. Sections 2 and 3 of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), which sections provide for the election of delegates, the organization of a constitutional convention and the forming of a constitution and State government for the proposed State of Hawaii, are hereby ratified, and the convention for which provision is made in said Act of the Territorial legislature shall be, and is hereby, recognized as the body authorized to form a constitution and State government for said proposed State.

The constitution shall be republican in form, shall make no distinction in civil or political rights on account of race or color, shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Inde-

pendence, and shall provide that no person who advocates, or who aids or belong to any party, organization, or association which advocates, the overthrow by force or violence of the government of the State of Hawaii or of the United States shall be qualified to hold any public office of trust or profit under the State constitution. Said constitution shall provide:

First. That no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Second. That provisions shall be made for the establishment and maintenance of a system of public schools which shall be open to all children of said State and free from sectarian control.

Third. That the debts and liabilities of said Territory of Hawaii shall be assumed and paid by said State and all debts owed to said Territory of Hawaii shall be collected by said State.

Fourth. That the State and its people cede to the United States, and disclaim title to, the property in the Territory of Hawaii set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union as more particularly provided in the next section of this Act.

Fifth. That, as a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, is adopted as a law of said State, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That (1) sections 202, 213, 219, 220, 222, 224, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 212, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for ordinary State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment or law, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for ordinary State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all proceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

Sixth. That the lands and other property belonging to citizens of the United States residing without said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

Seventh. That said State and its people do agree and declare that no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States; and that all provisions of this Act reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property herein made to the said State, are consented to fully by said State and its people.

Sec. 103. (a) The State of Hawaii and its political subdivisions, as the case may be, shall retain all the lands and other public property title to which is in the Territory of Hawaii or a political subdivision thereof, except as herein provided, and all such lands and other property shall remain and be the absolute property of the State of Hawaii and its political subdivisions, as the case may be, subject to the constitution and laws of said State: *Provided, however*, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall be and become vested with absolute title thereto, or an interest therein conformable to such limitations, as the case may be.

(b) The United States hereby grants to the State of Hawaii, effective upon the date of its admission into the Union, the absolute title to all the public lands and other public property in Hawaii title to which is in the United States immediately prior to the admission of such State into the Union, except as otherwise

provided in this Act: *Provided, however*, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall retain absolute title thereto, or an interest therein conformable to such limitations, as the case may be. As used in this subsection, the term "public lands and other public property" means, and is limited to, the lands and other properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or other properties so ceded. The lands hereby granted shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) The lands granted to the State of Hawaii pursuant to the preceding subsection, together with the proceeds thereof and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under the preceding subsection shall be used for the support of any sectarian or denominational school, college, or university.

(d) Effective upon the administration of the State of Hawaii into the Union all laws of the United States reserving to the United States the free use or enjoyment of property hereinabove vested in the State of Hawaii or its political subdivisions, or the right to alter, amend, or repeal laws relating thereto, are hereby repealed.

(e) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Sec. 104. The joint resolution of the Territorial Legislature of Hawaii entitled "Joint resolution providing for the submission to the people of the Territory of Hawaii of the constitution framed by the convention held pursuant to Act 334 of the Session Laws of Hawaii, 1949, and, in the event of failure of ratification, the framing and submission of a new constitution, and making appropriations therefor", approved October 12, 1950 (Joint Resolution 1, Special Session Laws of Hawaii, 1950), which section provides for the submission to the people of the Territory of Hawaii, for ratification or rejection, of the proposed constitution framed by the constitutional convention held pursuant to sections 2 and 3 of the Act of the Territorial Legislature of Hawaii approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and of any new constitution framed by such convention in consequence of a rejection of the proposed constitution by the people, is hereby ratified; and the election held on November 7, 1950, pursuant to section 1 of said joint resolution, at which election the people of the Territory of Hawaii ratified the proposed constitution by a majority of the votes cast, shall be, and hereby is, recognized as constituting due ratification of said constitution by the people of Hawaii.

A certified copy of said constitution shall be submitted by the Governor of the Territory of Hawaii to the President of the United States. Thereupon the President of the United States shall forthwith submit said constitution to the Congress for its consideration. The Congress shall within sixty legislative days after receipt thereof approve or disapprove said constitution. Should the Congress by a majority vote approve said constitution, it shall be the duty of the President, on or after June 5, 1957, and not later than July 5, 1957, to certify such approval to the Governor of the said Territory. Thereupon the Governor, on or after July 5, 1957, and not later than August 3, 1957, shall issue his proclamation for the elections, as hereinafter provided, of officers for all elective offices provided for by the constitution and laws of said State, but the officers so to be elected shall in any event include two Senators and two Representatives in Con-

gross. Until and unless otherwise required by the constitution or laws of said State, said Representatives shall be elected at large.

If the Congress shall disapprove said constitution, such disapproval shall immediately be certified by the President to the Governor of said Territory, with the objections to the proposed constitution; the Governor thereupon by proclamation shall order the constitutional convention to reassemble at a date not later than twenty days after receipt of such notification and thereafter a new constitution may be formed and the same proceedings shall be taken in regard thereto in like manner as if the proposed constitution had been rejected by the people and as if the new constitution were being originally submitted to the President for approval by the Congress: *Provided*, That not more than one election shall be held under the authority of this paragraph.

If the Congress shall fail to approve or disapprove the constitution within the sixty legislative days provided for in the second paragraph of this section, the constitution shall be deemed to be approved, and it shall be the duty of the President to certify such fact to the Governor of said Territory, who shall thereupon proceed in like manner as though the constitution had been expressly approved.

Sec. 105. In case the Congress approves the constitution duly ratified by the people of said Territory, all as hereinbefore provided, a primary election shall be held on October 6, 1956, and a general election on November 6, 1956, and said primary and general election dates shall be duly named in the proclamation of the Governor of said Territory provided for in the preceding section. At such elections the officers required to be elected as provided in section 104 shall be, and officers for other elective offices provided for by the constitution and laws of said State may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by said constitution and the laws of said State for the election of members of the State legislature. The returns thereof shall be made and certified in such manner as the constitution and laws of said State may prescribe. The Governor of said Territory shall certify the results of said elections, as so ascertained, to the President of the United States.

At an election designated by proclamation of the Governor of said Territory, which may be the general election held pursuant to the preceding section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

"(1) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved -----, and all claims of this

(date of approval of this Act)

State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(2) All provisions of the Act of Congress approved -----

(date of approval of this Act)

reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Hawaii, are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XIII of said proposed constitution shall be deemed amended so as to contain the language of the second paragraph of section 101 of this Act in lieu of any other language; and section 8 of article XIV shall be deemed amended so as to contain the language of the second proposition above stated in lieu of any other language. In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of said Territory is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Hawaii, who shall certify the results of the submission to the Governor of said Territory. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

If a proposed constitution, duly ratified by the people of Hawaii, has been approved by the Congress, and the President shall find that the propositions set forth in this section have been duly adopted by the people of Hawaii, the

President, upon certification of the returns of the election of the officers required to be elected as provided in section 4, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President of the United States, the proposed State of Hawaii shall be deemed admitted by Congress into the Union by virtue of this Act on an equal footing with the other States.

Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial offices in or under or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representatives in the manner required by law, and the said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Sec. 106. The State of Hawaii upon its admission into the Union shall be entitled to two Representatives until the taking effect of the next reapportionment, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

Sec. 107. Effective upon the admission of the State of Hawaii into the Union—

(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thenceforth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided*, however, That the terms of office of the district judges for the District of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 183 and 184 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 183 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 184 of title 28, United States Code, is amended to read as follows:

“(a) The district judges, except in Puerto Rico, shall hold office during good behavior. The district judge in Puerto Rico shall hold office for the term of eight years, and until his successor is appointed and qualified.”

Sec. 108. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words “including the district courts of the United States for the districts of Hawaii and Puerto Rico,” and inserting in lieu thereof the words “including the United States District Court for the District of Puerto Rico.”

Sec. 109. Effective upon the admission of the State of Hawaii into the Union—

(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words “, except in the district of Hawaii, where the term shall be six years”;

(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words “, except in the district of Hawaii where the term shall be six years”;

(d) subsection (d) of section 541 of title 28, United States Code, is repealed.

Sec. 110. No action, case, proceeding, or matter pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no indictment, action, or proceedings shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offense as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

Sec. 111. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Sec. 112. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1252, is amended by striking out "Hawaii and" from the clause relating to courts of record:

(b) title 28, United States Code, section 1203, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1204, is amended by striking out paragraph (5) thereof and by renumbering paragraphs (6) and (7) as paragraphs (4) and (5) respectively;

(d) the first paragraph of section 373 of title 28, United States Code, is amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii": *Provided*, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: *And provided further*, That service as a judge of the District Court for the Territory of Hawaii or as a

judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in commission as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) section 92 of the Act of April 30, 1900 (ch. 839, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

(f) section 86 of the Act approved April 30, 1900 (ch. 839, 31 Stat. 158), as amended, is repealed;

(g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico"; and

(h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico".

Sec. 113. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as hereinbefore provided with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States.

Sec. 114 (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (46 Stat. 237), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may not belong to, or which may hereafter be acquired by, the United States.

(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes.

Sec. 115. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 261) is amended by striking out the last sentence thereof and inserting in lieu

of such sentence the following: "When any State is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

Sec. 116. (a) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, its Territories, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

(b) Effective on the admission of the State of Hawaii into the Union—

(1) the first sentence of section 508 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1156), is amended by inserting before the words "island possession or island territory", the words, "island State" and a comma;

(2) section 605 (a) of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1175), is amended by inserting before the words "island possession or island territory", the words "island State" and a comma; and

(3) the second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1204) is amended by inserting before the words "island possession or island territory", the words "island State" and a comma.

Sec. 117. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress are hereby repealed.

TITLE II

Sec. 201. The citizens of the United States who are bona fide residents of that part of the United States now constituting the Territory of Alaska are hereby authorized to form for themselves a constitution and State government, with the name "State of Alaska", which State, when so formed, shall be admitted into the Union, all as hereinafter provided.

The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

Sec. 202. All citizens of the United States who are qualified to vote for representatives of the Territorial Legislature of Alaska are hereby authorized to vote for and choose delegates, having the same qualifications, to form a constitutional convention in said Territory. The convention shall consist of twenty-seven delegates apportioned among the several judicial divisions of Alaska as follows: First judicial division, six delegates; second judicial division, three delegates; third judicial division, ten delegates; fourth judicial division, five delegates; and three delegates to be chosen at large from the entire Territory.

The Governor of Alaska shall, within thirty days after the approval of this Act, issue a proclamation ordering an election of such delegates to be held at a time designated in the proclamation within eight months after the approval of this Act. The proclamation shall be issued at least two months prior to the date of election of such delegates. The election shall be conducted without reference to the political affiliations of the candidates. The ballots used at such election shall be nonpartisan and shall not contain any reference to or designation of the political party or affiliation of any candidate. A separate ballot shall be prepared for each judicial division. Each such ballot shall contain (1) the names of the candidates running for the office of delegate from such division and (2) the names of the candidates running for the office of delegate at large to the convention.

The six candidates in the first judicial division who receives the greatest number of votes shall be the delegates for such division; the three candidates in the second judicial division who receive the greatest number of votes shall be the delegates for such division; the ten candidates in the third judicial division who receive the greatest number of votes shall be the delegates for such division; the five candidates in the fourth judicial division who receive the greatest number of votes shall be the delegates for such division; and the three candidates who receive the greatest number of votes at large from the entire Territory shall be delegates at large.

In case of a tie vote at the election, the candidates so tied shall draw lots under the supervision of the clerk of the District Court for the Territory of Alaska to determine which of them shall be elected.

In case of a vacancy in any office of delegate the candidate not theretofore certified who receives the next highest number of votes in the judicial division in which the vacancy occurs or the next highest number of votes in the Territory at large, as the case may be, shall become the delegate from such judicial division or from the Territory at large, as the case may be.

Except as otherwise specifically provided herein, the election for such delegates shall be conducted, the returns made, the results ascertained, and the certificates of persons elected to such convention issued in the same manner as is prescribed by the laws of Alaska regulating elections therein of members of the Territorial Legislature of Alaska.

Sec. 203. The delegates to the convention so elected shall meet at the capital of said Territory on the first Tuesday following the thirtieth day after their election, unless that date should occur during a session of the Territorial Legislature, in which event the constitutional convention shall convene on the first Tuesday following adjournment of the legislative session. The session shall not exceed seventy-five days, and after organization the delegates thereto shall declare on behalf of the people of the proposed State that they adopt the Constitution of the United States, whereupon the said convention shall form a constitution and State government for the proposed State.

The constitution shall be republican in form, shall make no distinction in civil or political rights on account of race or color, shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and shall provide that no person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the Government of the State of Alaska or of the United States shall be qualified to hold any public office of trust or profit under the State constitution. Said convention shall provide in said constitution:

First, That no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Second, That said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: *Provided*, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any such claim shall be unaffected by anything in this Act: *And provided further*, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation.

Third. That the debts and liabilities of said Territory of Alaska shall be assumed and paid by said State and all debts owed to said Territory of Alaska shall be collected by said State.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all children of said State and free from sectarian control.

Fifth. That all provisions of this Act reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants

of lands or other property herein made to said State, are consented to fully by said State and its people.

Sixth. That the lands and other property belonging to citizens of the United States residing without said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

Sec. 204. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 205 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Sec. 205. (a) For the purpose of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred million acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(c) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed the following amounts for internal improvements:

For legislative, executive, and judicial public buildings heretofore erected in said Territory or to be hereafter erected in the proposed State, five hundred thousand acres; for institutions for the mentally ill, two hundred thousand acres; for penitentiaries, two hundred thousand acres; for schools and asylums for the deaf, dumb, and the blind, two hundred thousand acres; for normal schools, five hundred thousand acres; for State charitable, penal, and reformatory institutions, two hundred thousand acres; for homes for needy pioneer residents, two hundred fifty thousand acres; for the University of Alaska, in addition to grants heretofore made, five hundred thousand acres: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(d) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(e) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(f) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U. S. C. secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U. S. C. secs. 230-239 and 241-242), and

June 8, 1924 (48 Stat. 485; 48 U. S. C., sec. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 50 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U. S. C., sec. 631a-631q), as supplemented and amended. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U. S. C. 631), as amended, and the Act of June 28, 1937 (50 Stat. 323; 16 U. S. C. 772), as amended.

(g) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

(h) All lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall not have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U. S. C., sec. 282), as now or hereafter amended, nor over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. As used in this subsection, the words, "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

(i) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U. S. C., sec. 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of five years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title, and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract: *Provided*, That nothing herein contained

shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

(j) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a), (b), and (c) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for Alaska.

(k) No order of withdrawal of public lands in Alaska made within a period of five years after the date of approval of this Act shall have the effect of withdrawing the lands affected thereby from selection by the State of Alaska under this Act, provided such lands are otherwise open to selection under this Act, and provided an application to select such lands is filed with the Secretary of the Interior before the end of said period of five years. The foregoing restriction shall not extend to withdrawals for defense or for Coast Guard purposes.

(l) The schools and colleges provided for in this section shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

(m) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U. S. C., sec. 353), as amended, and the last sentence of section 85 of the Act of February 25, 1920 (41 Stat. 450; 50 U. S. C., sec. 191), as amended, are repealed; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

(n) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (48 U. S. C., sec. 857), and in lieu of the swamp-land grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (48 U. S. C., sec. 962), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U. S. C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

(o) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

Sec. 208. (a) After a constitution and State government have been formed in compliance with the provisions of this Act, the convention forming the same shall provide by ordinance for submitting said constitution, for ratification or rejection, to the people of said proposed State at an election to be held at a date to be fixed by said convention, which shall be not less than seventy-five nor more than one hundred days from the date of its adjournment, at which election the citizens of the United States who are qualified to vote for members of the Territorial Legislature of Alaska shall vote directly for or against the proposed constitution. The returns of said election shall be made to the Governor of Alaska, who shall cause the same to be canvassed by the canvassing board of the Territory of Alaska in the manner now provided by law for the canvass of votes cast in general Territorial elections. If a majority of the legal votes cast at said election shall reject the constitution, the Governor of said Territory, shall, by proclamation, order the constitutional convention to reassemble at a date not later than forty days after the votes have been canvassed as herein provided, and thereafter a new constitution may be formed by such convention and the same proceedings shall be taken in regard thereto in like manner as if said constitution were being originally prepared for submission and submitted

to the people: *Provided*, That not more than two elections shall be held under the authority of this subsection.

(b) When said constitution shall have been duly ratified by the people of said Territory, as aforesaid, by a majority of the legal votes cast at an election held pursuant to this section, a statement of the votes cast thereon, and a certified copy of said constitution, shall be immediately submitted by the Governor of the Territory of Alaska to the President of the United States. The President of the United States shall forthwith submit said constitution to the Congress for approval or disapproval as hereinafter provided, together with a statement of the votes cast thereon.

(c) The Congress shall within sixty legislative days after receipt thereof approve or disapprove said constitution.

(d) If the Congress approves said constitution, it shall be the duty of the President to certify such approval to the Governor of said Territory, who shall within thirty days after receipt of such notification from the President issue a proclamation for the election provided for in section 307 of this Act, said election to take place not earlier than two months nor later than six months after the date of issuance of said proclamation by the Governor.

(e) If the Congress shall disapprove the constitution, such disapproval shall immediately be certified by the President to the Governor of said Territory, with the objections to the proposed constitution; the Governor thereupon by proclamation shall order the constitutional convention to reassemble at a date not later than forty days after receipt of such notification and thereafter a new constitution may be formed and the same proceedings shall be taken in regard thereto in like manner as if said constitution were being originally prepared for submission and submitted to the people: *Provided*, That not more than one election shall be held under the authority of this subsection.

(f) If the Congress shall fail to approve or disapprove the constitution within said sixty legislative days, the constitution shall be deemed to be approved, and it shall be the duty of the President to certify such fact to the Governor of said Territory, who shall thereupon proceed in like manner as though the constitution had been expressly approved.

(g) When said new constitution as provided for in subsection (e) of this section, shall have been duly ratified by the people of said Territory, as aforesaid, by a majority of the legal votes cast at an election held pursuant to this section, a certified copy of the same shall be submitted by the Governor of the Territory of Alaska through the President of the United States to the Congress for approval, together with a statement of the votes cast thereon; thereafter the procedure shall be as prescribed in subsections (c), (d), and (f) of this section.

Sec. 207. (a) The constitutional convention shall by ordinance provide that in case of ratification of the constitution by the people and in case the Congress of the United States shall approve the same, an election shall be held at the time named in the proclamation of the Governor of said Territory hereinbefore provided, at which election officers for a full State government, including a governor, members of the State legislature, one Representative and two Senators in the Congress of the United States to be elected at large from said State, and such other officers as the constitution shall prescribe, shall be chosen by the qualified voters of Alaska. Unless the constitutional convention shall by ordinance otherwise provide, such election, and an antecedent primary election, shall be held, and the returns thereof made, canvassed, and certified by the canvassing board in the same manner, as nearly as practicable, as is now prescribed by law for the nomination, filing, and election, and canvass and certification of election of Territorial officers and members of the Territorial legislature. When such State and other officers and members of the State legislature and a Representative and Senators in the Congress of the United States shall be so elected and the returns thereof made, canvassed, and certified as herein provided, the Governor of said Territory shall certify the result of said election to the President of the United States, who shall thereupon immediately issue his proclamation announcing the result of said election so ascertained, and upon the issuance of said proclamation by the President of the United States the State of Alaska shall be deemed admitted by Congress into the Union by virtue of this Act, on an equal footing with each of the other States of the Union, and the Representative and Senators from said State in the Congress of the United States so elected and certified shall thereupon be entitled to seats in the House of Representatives and Senate of the United States and to all of the rights and privileges of Representatives and Senators therein. Until the issuance of said proclamation by the President of the United States and until said State is so admitted into the

Union and said officers are elected and qualified under the provisions of the Constitution, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of said respective offices in and for said Territory.

Upon admission of Alaska as a State as herein provided and upon election and qualification of the officers of the State government formed in pursuance of and in accordance with the provisions of said constitution, said officers shall forthwith proceed to exercise all of the duties and functions of their respective offices; and all of the Territorial laws in force in the Territory of Alaska at the time of admission of said State into the Union shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to its admission as a State, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of its admission as a State, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provision of this Act.

(b) The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., 2a), for the Eighty-third Congress and each Congress thereafter.

Sec. The sum of \$200,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for defraying the expenses of the elections provided for in this Act and the expenses of the convention. The delegates shall receive for their services, in addition to mileage at the rate of 20 cents a mile each way, the sum of \$1,000 each, payable in four equal installments on and after the first, twentieth, fortieth, and sixtieth days of the convention, excluding Sundays and holidays. The disbursements of the money so appropriated shall be made by the Secretary of the Territory of Alaska. The Territorial legislature is hereby authorized to appropriate such sum as it may deem advisable for the payment of additional compensation to said delegates and for defraying their expenses and for such other purposes as it may deem necessary.

Sec. 200. The care and treatment of the mentally ill of Alaska shall be assumed by the State of Alaska: *Provided*, That the Federal Government shall continue to care for and treat the mentally ill of Alaska who are receiving such care and treatment in an institution at the expense of the Federal Government at the time Alaska is admitted into the Union.

Sec. 210. (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation issued prior to admission of the State of Alaska into the Union, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

(b) The authority of the President to establish special national defense withdrawals as provided in the foregoing subsection shall be confined to not to exceed forty per centum of the areas of Alaska situated to the north and west of the following line: Beginning at the point where the Yukon River crosses the international boundary between Alaska and Canada; thence downstream along a line parallel to, and one mile from, the right bank of the Yukon River, to the point of intersection of the Yukon River with meridian of longitude 158 degrees west of Greenwich; thence north to the parallel of latitude 65 degrees north; thence westward along said parallel to its intersection with the meridian of longitude 169 degrees west of Greenwich.

(c) There is hereby reserved to the United States, effective upon the admission of the State of Alaska into the Union, exclusive jurisdiction over all special defense withdrawals established under this section, and the United States shall have sole legislative, judicial, and executive power within such withdrawals.

The exclusive jurisdiction so reserved shall extend to all lands within the exterior boundaries of each such withdrawal, shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains withdrawn, and the laws of the State of Alaska shall not apply during the period of withdrawal thereof.

(d) During the continuance in effect of such special defense withdrawal or withdrawals as may be established under authority of this Act, or until the Congress otherwise provides, within such withdrawals—

(1) there shall apply all laws of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title;

(2) there shall apply all laws of general application to areas reserved for defense purposes of the United States;

(3) there shall apply, to the extent not inconsistent with the laws made applicable by the foregoing provisions of this section, all laws in force within the Territory of Alaska immediately prior to the admission of the State of Alaska into the Union, whether enacted by the Congress or by the Legislature of the Territory;

(4) all functions vested in the United States Commissioners by the laws herein made applicable shall continue to be performed by such Commissioners;

(5) all functions vested, by the laws herein made applicable, in any municipal corporation, school district, or other local political subdivision, shall continue to be performed by such corporation, district, or other subdivision; and

(6) all other functions vested, by the laws herein made applicable, in the Government of the Territory of Alaska, or in any officer or agency thereof, shall be performed by such persons or agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

Provided, That nothing contained in this subsection shall be construed as limiting the exclusive jurisdiction reserved to the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as limiting the jurisdiction of the United States District Court for the District of Alaska, or as continuing in effect the laws relating to the legislature of the Territory of Alaska, or as limiting any authority otherwise vested in the Congress or the President, or as denying to persons now or hereafter residing within the area described in subsection (b) of this section the right to vote at all elections held within the political subdivisions where they respectively reside.

Sec. 211. (a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Mount McKinley National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (1) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations

incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, air force, or coast guard purposes. The provisions of this subsection shall not apply to lands within such special national defense withdrawal or withdrawals as may be established under authority of section 210 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that section.

Sec. 212. Effective upon the admission of Alaska into the Union—

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

"81A. Alaska";

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

"§ 81A. Alaska

"Alaska constitutes one judicial district.

"Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.";

(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: "Arizona * * * 2", a new item as follows: "Alaska * * * 1";

(d) The first paragraph of section 373 of title 28 United States Code, as heretofore amended, is further amended by striking out the words: "The District Court for the Territory of Alaska,"; *Provided*, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

(e) The words "the District Court for the Territory of Alaska," are stricken out wherever they appear in sections 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word "Alaska," from the clause relating to courts of record;

(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: "including the District Court for the Territory of Alaska,";

(i) Section 3241 of title 18, United States Code, is amended by striking out the words: "District Court for the Territory of Alaska, the";

(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: "for Alaska or";

(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska,";

(l) Section 3772 of title 18, United States Code, as heretofore amended is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska,"; and

(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "and of the District Court for the Territory of Alaska".

Sec. 213. No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into

the Union, but the same shall be transferred and proceeded with as hereinafter provided.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

Sec. 214. All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: *Provided*, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

Sec. 215. All causes pending in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition. All other causes pending in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

Sec. 216. Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

Sec. 217. All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

Sec. 218. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 361) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When any State is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every

national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

Sec. 219. Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U. S. C., sec. 435), is hereby repealed.

Sec. 220. There is hereby authorized to be appropriated out of any money in the Treasury of the United States not otherwise appropriated, to the State of Alaska the sum of \$15,000,000 to be used for the following purposes: Construction and improvement of harbors, and State surveys of land granted to the State of Alaska under this Act.

Sec. 221. (a) The State of Alaska shall be entitled to share in authorized or appropriated funds that may hereafter become available for apportionment under the Federal Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, upon the same terms and conditions as any of the several States and the State of Alaska shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That for a period of fifteen years after the admission of Alaska into the Union, the maximum Federal share payable on account of any project constructed under this section in the State of Alaska shall be calculated, in accordance with section 11 of the Federal Highway Act, approved November 9, 1921 (42 Stat. 212), as amended and supplemented, on the basis of the areas of unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, existing in Alaska on the date of approval of this Act and such share shall continue on the same basis irrespective of any change in such areas during the fifteen year period.

(b) In addition to all other sums heretofore authorized to be appropriated for the construction of roads in Alaska, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of roads in Alaska after the date of admission of Alaska to the Union, the following sums:

- (1) \$17,000,000 for the first fiscal year beginning after such date,
- (2) \$13,000,000 for the second fiscal year beginning after such date,
- (3) \$9,000,000 for the third fiscal year beginning after such date,
- (4) \$5,000,000 for the fourth fiscal year beginning after such date,
- (5) \$3,000,000 for the fifth fiscal year beginning after such date, and
- (6) \$1,000,000 for the sixth fiscal year beginning after such date.

Any portions of the sums listed in the foregoing schedule that are not appropriated for the particular fiscal year for which their appropriation is authorized by such schedule are hereby authorized to be appropriated for any subsequent fiscal year. Appropriations made pursuant to this subsection shall remain available until expended.

(c) In addition to all other sums heretofore authorized to be appropriated for the maintenance of roads in Alaska, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the maintenance of roads in Alaska after the date of the admission of Alaska to the Union, the sum of \$3,000,000 for each of the first five fiscal years beginning after such date, the sum of \$2,000,000 for each of the second five fiscal years beginning after such date, and the sum of \$1,000,000 for each of the third five fiscal years beginning after such date. Any portion of the sums mentioned in the preceding sentence are not appropriated for, or obligated during, the particular fiscal year for which their appropriation is authorized by such sentence are hereby authorized to be appropriated for any subsequent fiscal year.

(d) All roads and trails and rights-of-way for roads and trails situated in the Territory of Alaska which on the date of the admission of Alaska into the Union are owned by the United States and administered by the Alaska Road Commission, and all real and personal property of the United States situated in the Territory of Alaska which is specifically used by the Alaska Road Commission for the sole purpose of construction and maintenance of roads and trails in Alaska shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency.

Sec. 222. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

[H. R. 1246, 85th Cong., 1st sess.]

A BILL To enable the people of Hawaii to form a constitution and State government and to be admitted into the Union on an equal footing with the original States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the citizens of the United States who are bona fide residents of that part of the United States now constituting the Territory of Hawaii are hereby authorized to form for themselves a constitution and State government, with the name "State of Hawaii", which State, when so formed, shall be admitted into the Union, all as hereinafter provided.

The State of Hawaii shall consist of all the islands, together with their appurtenant reefs and territorial waters, now included in the Territory of Hawaii, except the atoll known as Palmyra Island, together with its appurtenant reefs and territorial waters, but said State shall not be deemed to include the Midway Islands, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef, together with their appurtenant reefs and territorial waters.

Sec. 2. Section 2 and 8 of the Act of the Territorial Legislature of Hawaii entitled "An Act to provide for a constitutional convention, the adoption of a State constitution, and the forwarding of the same to the Congress of the United States, and appropriating money therefor", approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), which sections provide for the election of delegates, the organization of a constitutional convention and the forming of a constitution and State government for the proposed State of Hawaii, are hereby ratified, and the convention for which provision is made in said Act of the Territorial legislature shall be, and is hereby, recognized as the body authorized to form a constitution and State government for said proposed State.

The constitution shall be republican in form, shall make no distinction in civil or political rights on account of race or color, shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and shall provide that no person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the government of the State of Hawaii or of the United States shall be qualified to hold any public office of trust or profit under the State constitution. Said constitution shall provide:

First. That no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Second. That provisions shall be made for the establishment and maintenance of a system of public schools which shall be open to all children of said State and free from sectarian control.

Third. That the debts and liabilities of said Territory of Hawaii shall be assumed and paid by said State and all debts owed to said Territory of Hawaii shall be collected by said State.

Fourth. That the State and its people cede to the United State, and disclaim title to, the property in the Territory of Hawaii set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union as more particularly provided in the next section of this Act.

Fifth. That, as a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, is adopted as a law of said State, subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That (1) sections 202, 218, 219, 220, 222, 234, and 225 and other provisions relating to administration, and paragraph (2) of section 204, sections 206 and 312, and other provisions relating to the powers and duties of officers other than those charged with the administration of said Act, may be amended in the constitution, or in the manner required for ordinary State legislation, but the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment or law, and the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States; (2) that any amendment to increase the benefits to lessees of Hawaiian home lands may be made in the constitution, or in the manner required for ordinary State legislation, but the qualifications of lessees shall not be changed except with the consent of the United States; and (3) that all pro-

ceeds and income from the "available lands", as defined by said Act, shall be used only in carrying out the provisions of said Act.

Sixth. That the lands and other property belonging to citizens of the United States residing without said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof.

Seventh. That said State and its people do agree and declare that no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States; and that all provisions of this Act reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property herein made to the said State, are consented to fully by said State and its people.

Sec. 3. (a) The State of Hawaii and its political subdivisions, as the case may be, shall retain all the lands and other public property title to which is in the Territory of Hawaii or a political subdivision thereof, except as herein provided, and all such lands and other property shall remain and be the absolute property of the State of Hawaii and its political subdivisions, as the case may be, subject to the constitution and laws of said State: *Provided, however*, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall be and become vested with absolute title thereto, or an interest therein conformable to such limitations, as the case may be.

(b) The United States hereby grants to the State of Hawaii, effective upon the date of its admission into the Union, the absolute title to all the public lands and other public property in Hawaii title to which is in the United States immediately prior to the admission of such State into the Union, except as otherwise provided in this Act: *Provided, however*, That as to any such lands or other property heretofore or hereafter set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii, pursuant to law, for the use of the United States, whether absolutely or subject to limitations, and remaining so set aside immediately prior to the admission of the State of Hawaii into the Union, the United States shall retain absolute title thereto, or an interest therein conformable to such limitations, as the case may be. As used in this subsection, the term "public lands and other public property" means, and is limited to, the lands and other properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for lands or other properties so ceded. The lands hereby granted shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) The lands granted to the State of Hawaii pursuant to the preceding subsection, together with the proceeds thereof and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States. The schools and other educational institutions supported, in whole or in part, out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under the preceding subsection shall be used for the support of any sectarian or denominational school, college, or university.

(d) Effective upon the admission of the State of Hawaii into the Union all laws of the United States reserving to the United States the free use or enjoyment of property hereinabove vested in the State of Hawaii or its political subdivisions, or the right to alter, amend, or repeal laws relating thereto, are hereby repealed.

(e) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Hawaii, and the said State shall have the same rights as do existing States thereunder.

Sec. 4. The joint resolution of the Territorial Legislature of Hawaii entitled "Joint resolution providing for the submission to the people of the Territory of

Hawaii of the constitution framed by the convention held pursuant to Act 334 of the Session Laws of Hawaii, 1949, and in the event of failure of ratification, the framing and submission of a new constitution, and making appropriations therefor", approved October 12, 1950 (Joint Resolution 1, Special Session Laws of Hawaii, 1950), which section provides for the submission to the people of the Territory of Hawaii, for ratification or rejection, of the proposed constitution framed by the constitutional convention held pursuant to sections 2 and 3 of the Act of the Territorial Legislature of Hawaii approved May 20, 1949 (Act 334, Session Laws of Hawaii, 1949), and of any new constitution framed by such convention in consequence of a rejection of the proposed constitution by the people, is hereby ratified; and the election held on November 7, 1950, pursuant to section 1 of said joint resolution, at which election the people of the Territory of Hawaii ratified the proposed constitution by a majority of the votes cast shall be, and hereby is, recognized as constituting due ratification of said constitution by the people of Hawaii.

A certified copy of said constitution shall be submitted by the Governor of the Territory of Hawaii to the President of the United States. Thereupon the President of the United States shall forthwith submit said constitution to the Congress for its consideration. The Congress shall within sixty legislative days after receipt thereof approve or disapprove said constitution. Should the Congress by a majority vote approve said constitution, it shall be the duty of the President on or after June 5, 1956, and not later than July 5, 1956, to certify such approval to the Governor of the said Territory. Thereupon the Governor, on or after July 5, 1956, and not later than August 3, 1956, shall issue his proclamation for the elections, as hereinafter provided, of officers for all elective offices provided for by the constitution and laws of said State, but the officers so to be elected shall in any event include two Senators and two Representatives in Congress. Until and unless otherwise required by the constitution or laws of said State, said Representatives shall be elected at large.

If the Congress shall disapprove said constitution, such disapproval shall immediately be certified by the President to the Governor of said Territory, with the objections to the proposed constitution; the Governor thereupon by proclamation shall order the constitutional convention to reassemble at a date not later than twenty days after receipt of such notification and thereafter a new constitution may be formed and the same proceedings shall be taken in regard thereto in like manner as if the proposed constitution had been rejected by the people and as if the new constitution were being originally submitted to the President for approval by the Congress: *Provided*, That not more than one election shall be held under the authority of this paragraph.

If the Congress shall fail to approve or disapprove the constitution within the sixty legislative days provided for in the second paragraph of this section, the constitution shall be deemed to be approved, and it shall be the duty of the President to certify such fact to the Governor of said Territory, who shall thereupon proceed in like manner as though the constitution had been expressly approved.

Sec. 5. In case the Congress approves the constitution duly ratified by the people of said Territory or in case the Congress shall fail to approve or disapprove the constitution within the sixty legislative days provided for in section 4 of this Act and said constitution shall, by reason of the failure of Congress to act, be deemed to be approved, all as hereinbefore provided, a primary election shall be held on October 6, 1956, and a general election on November 6, 1956, and said primary and general election dates shall be duly named in the proclamation of the Governor of said Territory provided for in the preceding section. At such elections the officers required to be elected as provided in section 4 shall be, and officers for other elective offices provided for by the constitution and laws of said State may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by said constitution and the laws of said State for the election of members of the State legislature. The returns thereof shall be made and certified in such manner as the constitution and laws of said State may prescribe. The Governor of said Territory shall certify the results of said elections, as so ascertained, to the President of the United States.

At an election designated by proclamation of the Governor of said Territory, which may be the general election held pursuant to the preceding section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, the following propositions:

"(1) The boundaries of the State of Hawaii shall be as prescribed in the Act of Congress approved -----, and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(2) All provision of the Act of Congress approved -----, reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property the in made to the State of Hawaii, are consented to fully by said State and its people."

In the event the foregoing propositions are adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the State of Hawaii, ratified by the people at the election held on November 7, 1950, shall be deemed amended as follows: Section 1 of article XII of said proposed constitution shall be deemed amended so as to contain the language of the second paragraph of section 1 of this Act in lieu of any other language; and section 8 of article XIV shall be deemed amended so as to contain the language of the second proposition above stated in lieu of any other language. In the event the foregoing propositions are not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of said Territory is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Hawaii, who shall certify the results of the submission to the Governor of said Territory. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

If a proposed constitution, duly ratified by the people of Hawaii, has been approved by the Congress or in case the Congress shall fail to approve or disapprove the Constitution within the sixty legislative days provided for in section 4 of this Act and said Constitution shall, by reason of the failure of Congress to act, be deemed to be approved, and the President shall find that the propositions set forth in this section have been duly adopted by the people of Hawaii, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 4, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President of the United States, the proposed State of Hawaii shall be deemed admitted by Congress into the Union by virtue of this Act on an equal footing with the other States.

Until the said State is so admitted into the Union, the persons holding legislative, executive, and judicial offices in or under or by authority of the government of said Territory, and the Delegate in Congress thereof, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Hawaii into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representatives in the manner required by law, and the said Senators and Representatives shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

Sec. 6. The State of Hawaii upon its admission into the Union shall be entitled to two Representatives until the taking effect of the next reapportionment, and such Representatives shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 18) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U. S. C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

Sec. 7. Effective upon the admission of the State of Hawaii into the Union—

(a) the United States District Court for the District of Hawaii established by and existing under title 28 of the United States Code shall thence-

forth be a court of the United States with judicial power derived from article III, section 1, of the Constitution of the United States: *Provided, however,* That the terms of office of the district judges for the District of Hawaii then in office shall terminate upon the effective date of this section and the President, pursuant to sections 133 and 134 of title 28, United States Code, as amended by this Act, shall appoint, by and with the advice and consent of the Senate, two district judges for the said district who shall hold office during good behavior;

(b) the last paragraph of section 133 of title 28, United States Code, is repealed; and

(c) subsection (a) of section 134 of title 28, United States Code, is amended to read as follows:

"(a) The district judges, except in Puerto Rico, shall hold office during good behavior. The district judge in Puerto Rico shall hold office for the term of eight years, and until his successor is appointed and qualified."

Sec. 8. Effective upon the admission of the State of Hawaii into the Union the second paragraph of section 451 of title 28, United States Code, is amended by striking out the words "including the district courts of the United States for the districts of Hawaii and Puerto Rico," and inserting in lieu thereof the words "including the United States District Court for the District of Puerto Rico,".

Sec. 9. Effective upon the admission of the State of Hawaii into the Union—

(a) the last paragraph of section 501 of title 28, United States Code, is repealed;

(b) the first sentence of subsection (a) of section 504 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii, where the term shall be six years";

(c) the first sentence of subsection (c) of section 541 of title 28, United States Code, is amended by striking out at the end thereof the words "except in the district of Hawaii where the terms shall be six years"; and

(d) subsection (d) of section 541 of title 28, United States Code, is repealed.

Sec. 10. No action, case, proceeding, or matter pending in any court of the Territory of Hawaii or in the United States District Court for the District of Hawaii shall abate by reason of the admission of said State into the Union, but the same shall be transferred to and proceeded with in such appropriate State courts as shall be established under the constitution of said State, or shall continue in the United States District Court for the District of Hawaii, as the nature of the case may require. And no indictment, action, or proceedings shall abate by reason of any change in the courts, but shall be proceeded with in the State or United States courts according to the laws thereof, respectively. And the appropriate State courts shall be the successors of the courts of the Territory as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same, and award mesne or final process therein, and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such appropriate State courts and the same shall be proceeded with therein in due course of law.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Hawaii in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of said State shall effect no change in the substantive or criminal law governing such causes of action and criminal offenses which shall have arisen or been committed; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Hawaii.

Sec. 11. Parties shall have the same rights of appeal from and appellate review of final decision of the United States District Court for the District of Hawaii or the Supreme Court of the Territory of Hawaii in any case finally decided prior to admission of said State into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of

the United States shall have the same jurisdiction therein, as by law provided prior to admission of said State into the Union, and any mandate issued subsequent to the admission of said State shall be to the United States District Court for the District of Hawaii or a court of the State, as may be appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Hawaii and of the Supreme Court of the State of Hawaii as successor to the Supreme Court of the Territory of Hawaii, in any case pending at the time of admission of said State into the Union, and the United States Court of Appeals for the Ninth Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of said State into the Union.

Sec. 12. Effective upon the admission of the State of Hawaii into the Union—

(a) title 28, United States Code, section 1262, is amended by striking out "Hawaii and" from the clause relating to courts of record;

(b) title 28, United States Code, section 1293, is amended by striking out the words "First and Ninth Circuits" and by inserting in lieu thereof "First Circuit", and by striking out the words, "supreme courts of Puerto Rico and Hawaii, respectively" and inserting in lieu thereof "supreme court of Puerto Rico";

(c) title 28, United States Code, section 1294, is amended by striking out paragraph (5) thereof and by renumbering paragraphs (6) and (7) as paragraphs (4) and (5) respectively;

(d) the first paragraph of section 373 of title 28, United States Code, is amended by striking out the words "United States District Courts for the districts of Hawaii or Puerto Rico," and inserting in lieu thereof the words "United States District Court for the District of Puerto Rico,"; and by striking out the words "and any justice of the Supreme Court of the Territory of Hawaii": *Provided*, That the amendments made by this subsection shall not affect the rights of any judge or justice who may have retired before the effective date of this subsection: *And provided further*, That service as a judge of the District Court for the Territory of Hawaii or as a judge of the United States District Court for the District of Hawaii or as a justice of the Supreme Court of the Territory of Hawaii or as a judge of the circuit courts of the Territory of Hawaii shall be included in computing under section 371, 372, or 373 of title 28, United States Code, the aggregate years of judicial service of any person who is in commission as a district judge for the District of Hawaii on the date of enactment of this Act;

(e) section 92 of the Act of April 30, 1900 (ch. 339, 31 Stat. 159), as amended, and the Act of May 29, 1928 (ch. 904, 45 Stat. 997), as amended, are repealed;

(f) section 86 of the Act approved April 30, 1900 (ch. 339, 31 Stat. 158), as amended, is repealed;

(g) section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";

(h) section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words "Supreme Courts of Hawaii and Puerto Rico" and inserting in lieu thereof the words "Supreme Court of Puerto Rico";

(i) section 91 of title 23, United States Code, as heretofore amended, is further amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island"; and

(j) the Act of June 15, 1950 (ch. 253, 64 Stat. 217, 48 U. S. C. 644a), is amended by inserting after "Kure Island" and before "Baker Island" the words "Palmyra Island".

Sec. 13. All Territorial laws in force in the Territory of Hawaii at the time of its admission into the Union shall continue in force in the State of Hawaii, except as modified or changed by this Act or by the constitution of the State, and shall be subject to repeal or amendment by the Legislature of the State of Hawaii, except as hereinbefore provided with respect to the Hawaiian Homes Commission Act, 1920, as amended; and the laws of the United States shall have the same force and effect within the said State as elsewhere within the United States.

Sec. 14. (a) Notwithstanding the admission of the State of Hawaii into the Union, the United States shall continue to have sole and exclusive jurisdiction

over the area which may then or thereafter be included in Hawaii National Park, saving, however, to the State of Hawaii the same rights as are reserved to the Territory of Hawaii by section 1 of the Act of April 19, 1930 (46 Stat. 227), and saving, further, to persons then or thereafter residing within such area the right to vote at all elections held within the political subdivisions where they respectively reside. Upon the admission of said State all references to the Territory of Hawaii in said Act or in other laws relating to Hawaii National Park shall be deemed to refer to the State of Hawaii. Nothing contained in this Act shall be construed to affect the ownership and control by the United States of any lands or other property within Hawaii National Park which may now belong to or which may hereafter be acquired by, the United States.

(b) Notwithstanding the admission of the State of Hawaii into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land, as immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, whether such lands were acquired by cession and transfer to the United States by the Republic of Hawaii and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Hawaii for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (i) That the State of Hawaii shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Hawaii, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes.

Sec. 15. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When any State is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

Sec. 16. (a) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Hawaii and other ports in the United States, its Territories, or possessions, or as conferring on the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

(b) Effective on the admission of the State of Hawaii into the Union—

(1) the first sentence of section 506 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1156) is amended by inserting before the words "island possession or island territory", the words, "island State" and a comma;

(2) section 605 (a) of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1175), is amended by inserting before the words "island possession or island territory", the words "island State" and a comma; and

(3) the second paragraph of section 714 of the Merchant Marine Act, 1936, as amended (46 U. S. C., sec. 1204), is amended by inserting before the words "island possession or island territory", the words "island State" and a comma.

Sec. 17. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress are hereby repealed.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., April 4, 1957.

Hon. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. ENGLE: This responds to the request from your committee for the views of this Department on H. R. 49, a bill to provide for the admission of the State of Hawaii into the Union.

We recommend the enactment of the bill and suggest that it be amended in the manner set forth herein.

The bill would provide for the admission of the State of Hawaii into the Union and sets forth the procedures by which this could be accomplished. In our view, the bill is an appropriate vehicle to accomplish this objective, and it properly takes into account and ratifies the steps taken to date with respect to the formation and adoption of a State constitution.

The people of Hawaii have been citizens of the United States for more than half a century. They have enjoyed a measure of self-government in local affairs which they have utilized ably and wisely. The economic development of the Territory is such that it has been able to support adequately virtually all the expenses of maintaining the Territorial government, and it should easily be able to assume the slight additional expenses which the grant of statehood would impose. The culture of Hawaii, like its economy and political institutions, is closely akin to the culture of the United States. The loyalty and patriotism of the citizens of Hawaii were amply demonstrated in World War II and throughout the Korean conflict.

Since 1903 the people of Hawaii have petitioned Congress to grant statehood to the Territory. Pursuant to a 1949 act of the Territorial legislature, a convention was convened for the drafting of a State constitution. The proposed constitution drafted by that convention was ratified by the electorate on November 7, 1950. This act of the people is a demonstration of their political maturity, and the provisions of the constitution are a clear indication of the great extent to which the political philosophy and institutions of Hawaii correspond with the political philosophy and institutions of the rest of the United States.

The President has repeatedly urged the enactment of legislation granting statehood to Hawaii. In this year's budget message he once again "recommends the enactment of legislation admitting Hawaii into the Union as a State * * *." The President's recommendation is in the interest of the people of the continental United States as well as it is in the interest of the people of Hawaii since there is every reason to believe the admission of Hawaii as a State will strengthen the Nation just as the Nation has been strengthened by the grant of statehood to each of the 35 States admitted since 1789.

We suggest the adoption of the following amendments which are basically technical in nature and designed to clarify certain provisions of the bill:

1. In line 13, page 3, after the word "amendment", strike out the words "or law" and insert in lieu thereof a comma followed by the words "whether made in the constitution or in the manner required for ordinary State legislation". Section 4 is intended to assure that the primary purposes and objectives of the Hawaiian Homes Commission Act shall not be impaired in any manner by action of the State government without the consent of the Congress. However, we do not believe it was intended that the State legislature should not have authority to pass any laws in furtherance of the purposes of the act if the operation of the law might result in a reduction of one of the funds, provided such law does not amend the Hawaiian Homes Commission Act. The inclusion of the words "or law" would cast a doubt on the authority of the State to properly administer the act, and, therefore, should be deleted.

2. In line 19, page 4, after the word "property", strike out the word "in" and insert in lieu thereof the phrase "within the boundaries of the proposed State of".

3. In line 1, page 7, after the word "all", insert the word "State".

4. In lines 22 and 23, page 8, delete the phrase "the second paragraph of".

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

HATFIELD CHILSON,
Acting Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington 25, D. C., March 20, 1957.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR CONGRESSMAN ENGLE: This is in reply to your letter of January 16, 1957, requesting a report on certain bills, including H. R. 49, H. R. 339, H. R. 629, H. R. 848, and H. R. 1246, all of which relate to admission of the State of Hawaii into the Union.

The Department's overall position on these bills may best be set forth by quoting from the budget message of the President, dated January 16, 1957: "I also recommend the enactment of legislation admitting Hawaii into the Union as a State, * * *"

We have no comments on the specific language of the bills because it does not directly affect this Department.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

(Signed) TRUM D. MOORE,
Acting Secretary.

DEPARTMENT OF STATE,
March 7, 1957.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives.*

DEAR MR. ENGLE: I refer to your letter of January 16, 1957, requesting this Department to furnish reports on the following bills, each of which deals with the question of Statehood for Alaska and Hawaii: H. R. 49, H. R. 50, H. R. 339, H. R. 340, H. R. 628, H. R. 629, H. R. 848, H. R. 849, H. R. 1242, H. R. 1243, H. R. 1246.

The Department of State's interest in this question is, of course, confined to the effect which the admission of Alaska and Hawaii to the Union might have on our foreign relations. In a general sense the Department believes that the granting of statehood to these two Territories would be favorably regarded by most foreign powers.

As you know, chapter XI of the United Nations Charter calls upon those members which administer nonself-governing territories to develop self-government in them and to take account of the political aspirations of their peoples. Statehood for Alaska and Hawaii, particularly in view of the concrete expressions of public opinion in its favor in these Territories, would seem to constitute a clear example of the development of self-government referred to in the charter, and as such, should be viewed in a favorable light by the great majority of U. N. members.

The Bureau of the Budget, in informing the Department that it has no objection to the submission of this report, has requested that the President's remarks on this subject in his budget message of January 16, 1957, be brought to your attention. In that message the President said:

"I also recommend the enactment of legislation admitting Hawaii into the Union as a State, and that, subject to area limitations and other safeguards for the conduct of defense activities so vitally necessary to our national security, statehood also be conferred upon Alaska."

Sincerely yours,

ROBERT O. HILL,
*Assistant Secretary
(For the Secretary of State).*

MR. O'BRIEN. The Chair recognizes the gentleman from Oklahoma, Mr. Edmondson.

Mr. EDMONDSON. Mr. Chairman, I just wanted to call the subcommittee's attention to the fact that the State of Oklahoma became the 27th State, I believe, this year through its State legislature to pass a resolution supporting statehood for Hawaii and for Alaska. The resolution was passed by the Senate, completing legislative action, on Thursday, the 4th of April. I would like to secure unanimous consent to make that resolution a part of the record at this point. I do not have it at this moment, but I expect to receive it sometime today or tomorrow.

Mr. O'BRIEN. Without objection, the resolution will be made a part of the record at this point.

(The resolution follows.)

A RESOLUTION

Enrolled Senate Concurrent Resolution No. 21. By Allen of the Senate and Rogers and Sparger of the House

A CONCURRENT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO GRANT IMMEDIATE STATEHOOD TO THE TERRITORIES OF ALASKA AND HAWAII

Whereas the Territories of Alaska and Hawaii are vital to the defense of the United States; and

Whereas said Territories have greatly contributed to the economic and cultural life of the United States; and

Whereas the people of said Territories have demonstrated their maturity, responsibility, and willingness to accept in full, and ability to discharge, the responsibilities that accompany citizenship in one of the states of the United States; and

Whereas not only principles of fairness, but also considerations of mutual benefit to said territories and the states of the United States demand that said territories be granted immediate statehood: Now, therefore, be it

Resolved by the Senate of the Twenty-Sixth Oklahoma Legislature, the House of Representatives concurring therein:

That the President of the United States and the Congress of the United States are hereby memorialized to grant immediate statehood to the territories of Alaska and Hawaii.

That the President of the Senate is directed to cause copies of this Resolution to be sent to the President of the United States, the Speaker of the House of Representatives of the United States, the President of the Senate of the United States, and to the Governors of Alaska and Hawaii.

Adopted by the Senate the 4th day of April 1957.

(Signed) KEITH CARTWRIGHT,
Acting President of the Senate.

Adopted by the House of Representatives the 30th day of April 1957.

B. E. HARKNEY,
Speaker of the House of Representatives.

CERTIFICATION

STATE OF OKLAHOMA,
County of Oklahoma, ss:

I, Leo Winters, secretary of the Senate of the State of Oklahoma, do hereby certify that the above and foregoing is a true and correct copy of Enrolled Senate Concurrent Resolution No. 21 as the same was adopted by the Senate and the House of Representatives of the Twenty-sixth Legislature of the State of Oklahoma, the original hereof being on file in the Office of the Secretary of State of the State of Oklahoma.

Witness my hand and the seal of my office at the State Capitol this 8th day of May 1957.

[SEAL]

LEO WINTERS,
Secretary of the Senate.

Mr. O'BRIEN. Did I understand you to say it was the 27th State legislature?

Mr. EDMONDSON. The newspaper article reporting the passage of this resolution states that the State senator who was its author advised the State legislature that 26 other States already have passed identical resolutions. So, according to his statement to the legislature, Oklahoma was the 27th State.

Mr. O'BRIEN. I thank the gentleman.

We have a time problem here as always. It is the hope of the Chair that we may complete these hearings in 2 days. I recall expressing a similar hope with regard to the Alaska statehood bills, after which the hearings continued for about 3 weeks. That will not be possible in this connection because we just will not have the time if we are to act on the legislation at all this year.

The Chair would like to ask unanimous consent that all previous hearings in previous Congresses on Hawaiian statehood legislation be made a part of this record by reference. I think that will underscore the fact that we have on numerous occasions in the past covered a great deal of ground with regard to Hawaii, and that this should obviate a great deal of testimony in the present instance.

The first two witnesses scheduled this morning are Under Secretary of the Interior Hatfield Chilson and Vice Adm. George L. Russell, Deputy Chief of Naval Operations, Department of Defense.

We will hear first from Mr. Chilson.

Mr. Chilson.

STATEMENT OF HON. HATFIELD CHILSON, UNDER SECRETARY OF THE INTERIOR

Mr. CHILSON. Mr. Chairman and members of the committee, as you know, because of Secretary Seaton's confinement to Walter Reed Hospital, he is unable to be here today. I have therefore been asked to present the following statement—which is the Secretary's own—in support of immediate statehood for Hawaii.

The administration recommends, in the words of the President's 1957 budget message, the "enactment of legislation admitting Hawaii into the Union as a State."

The Territory we have known as Hawaii since 1898, when it was annexed to the United States, embraces an area of over 6,400 square miles; it is composed of a series of eight islands which form part of the Hawaiian archipelago. Captain James Cook discovered these islands in 1778, and in honor of the English Earl of Sandwich, named them the Sandwich Islands.

The people of Hawaii have looked toward the United States for more than a century. In 1820 New England Christian missionaries converted Hawaiians to Christianity. Through the 19th century, as ties of friendship and trade grew stronger, the desire of Hawaiians to be Americans became more vocal.

As early as 1954 her people requested their king to bring about the annexation of the islands to the United States. During the same year, a treaty was drafted at the request of President Pierce. That treaty included the assumption that the constitutional monarchy would become a State in a manner similar to that of Texas and California.

After the Queen was deposed in 1893, the Republic of Hawaii was established as an interim government. In 1898 Hawaii was formally annexed as an "integral part of the United States." It became an "incorporated Territory" when Congress enacted its organic act in 1900.

At the time Hawaii was annexed, there were but three other incorporated Territories—Oklahoma, Arizona, and New Mexico. Ever since, the Hawaiian people have waited the day when Hawaii would follow these other Territories and become a full and equal member of our Nation.

The Hawaiian people have pursued this goal with diligence. Since 1903 the Territorial legislature has petitioned nearly every Congress to admit Hawaii as an equal partner in our Government. Since 1919 every Hawaiian Delegate to Congress has introduced a statehood bill. Since 1935—22 years ago—Congress has actively investigated this Territory to determine whether her apprenticeship has been completed.

I firmly believe that it has, and that the time has therefore come for action.

Both major political parties have, in their platforms, declared themselves in favor of immediate statehood for Hawaii.

Nevertheless, arguments against Hawaiian statehood are still heard.

On February 20, 1952, in addressing the Senate on the subject of statehood for Alaska, I said:

Mr. President, the old adage, "There is nothing new under the sun" could hardly be truer than in its application to the objections we heard to statehood for Alaska.

The same type of objections were made against practically every Territory which ever applied for admission as a State. Experience has proved the objections false. California, Oregon, Wyoming, Arizona, Nebraska, and the others have gone on to become perfectly respectable and self-sufficient States despite the cries which were raised against them in earlier sessions of Congress. Each is a credit to itself and to the Nation.

Opponents of Hawaiian statehood object that the islands are not contiguous to the 48 States which now make up our Union. True, not one of these States is entirely separated from the rest by water. But what about California in 1850? She was not denied admission, even though traveling from here to California in 1850 meant crossing the vast western plains, infested with hostile Indian tribes, or going 13,355 nautical miles around Cape Horn. Even after the opening of the Panama Canal, San Francisco was almost twice as far from New York in nautical miles as the distance between Honolulu and the Golden Gate.

Hawaii is less than 5,000 air miles from Washington. It is only 2,400 miles from San Francisco. Any one of us could be in Honolulu in less than 18 hours. From the west coast, Hawaii is but an overnight plane ride away. During debate upon the Hawaiian Organic Act, Senator Richard Pettigrew remarked that Hawaii was "only 12 days away from Washington." Gentlemen, we will soon see the time when we may travel to the Islands in as many hours. In this modern age of rapid transportation, neither contiguity nor distance should be factors in the consideration of statehood for Hawaii.

In the past, opposition has been expressed against the admission of this Territory because of fears concerning the loyalty of Hawaiian-Americans.

The hearings before this committee and the committee of the Senate contain a full account of the heroic performance of Hawaiians in World War I, World War II, and the Korean conflict. Whatever doubts there may have been about the loyalty of Hawaiian-Americans, they were completely dispelled by the fact that in all of World War II there was not one known case of sabotage by a Hawaiian civilian.

The Hawaiian Statehood Commission cites these facts to refute those who impugn the loyalty of Hawaiians:

Not one case of cowardice by a Hawaii soldier in the face of the Communist enemy was recorded in Korea.

Not one case of successful Red "brainwashing" of any Hawaii soldier was recorded.

Not one case of a Hawaii soldier's desertion to the enemy was recorded.

Of the 22 American servicemen who refused repatriation after the Korean war in favor of remaining with the Communists * * * there was not one from Hawaii.

There were 426 Hawaii boys killed in Korea action, a death toll $4\frac{1}{2}$ times the killed-in-action average for the rest of the United States. There were 1,352 total battle casualties from Hawaii, a rate of 3 times as great as the casualty rate per capita for the rest of the Nation.

Another objection to statehood is based upon the extent of the Communist influence in Hawaii and concern over the activities of the International Longshoremen's and Warehousemen's Union (ILWU). Before 1958 my fellow Nebraskan, the late and distinguished United States Senator Hugh Butler, expressed vigorous opposition to admission of Hawaii on the basis of his findings regarding Communist infiltration of the ILWU. But, because of his innate fairness and willingness to approach each question with an open mind, Senator Butler became a staunch advocate of Hawaiian statehood when he was convinced that the people of Hawaii had the will and determination to resist communism. After conducting an inspection of Hawaii in 1947, he presented a report to the Senate recommending that statehood not be granted until Hawaiians demonstrated "by positive steps a determination to put down the menace of lawless communism."

In November of 1962, Senator Butler returned to the islands, accompanied by two staff members of this committee; he again investigated the Hawaiian Communist problem. At the opening of hearings on S. 49 in 1958, Senator Butler said:

I believe that the residents of Hawaii during the past 4 years since publication of my 1949 report have demonstrated by positive action their awareness of the Communist danger and their determination to face it frankly and never let it strengthen its foothold. During those years they have fought it boldly, have restricted its influence, and to some degree have driven it underground. I believe they have shown that they are as well able as the Federal Government to cope with this menace.

It was typical of the distinguished Senator that he did not hesitate publicly to reverse his judgment to fit the facts as he found them.

Would the Communist malignance be any more a threat to an Hawaiian State government than it is to the present Territorial government? I see no reason to believe so. I believe that Hawaii will be stronger and more able to resist this movement when Hawaiians become full-fledged citizens with an equal voice not only in national and international affairs, but also in the selection of their own State government and judiciary.

If admitted as a State, will Hawaii meet the financial strains of statehood? There appears to be no question that these islands have

a very stable economy. The total annual production of the islands doubles that of any other Territory prior to statehood. With such basic industries as agriculture and tourism, Hawaii looks forward to a greater opportunity to provide the mainland with both food and recreation.

The Lord richly blessed this tropical paradise which Mark Twain called "the loveliest fleet of islands that lie at anchor in any ocean." The year-round agricultural industry has furnished our Nation annually with a sugar crop of over 1 million tons valued at approximately \$150 million. Twenty-two thousand workers, on the average, are employed every year to harvest and pack Hawaii's pineapple crop, which in 1956 added another \$116.8 million to the value of Hawaii's exports to the mainland.

Of course, Hawaiians have other valuable natural resources. Fishing has traditionally been a mainstay of the economy of the islands. The fisheries of Hawaii yield an annual catch of about 20 million pounds of fish and shellfish having an ex-vessel value of about \$3,750,000.

Over 80 percent of the catch consists of tuna which is used for marketing fresh and for canning. In addition, quantities of these fish are imported from Japan for the fresh market and also for canning. A considerable portion of the production of canned tuna is shipped to the United States.

A distinctive feature of the Hawaiian fishery is the pond fishery, which yields an annual catch of about 100,000 pounds, valued at about \$50,000.

Hawaiian minerals such as titanium and bauxite are today receiving considerable attention. Dr. Paul L. Magill, a chemist for Stanford Research Associates, stated in a recent report on bauxite—the raw material for aluminum—that the island of Hawaii alone contains more than 300 square miles of rich ore—a reserve of 600 million tons. This amount is enough to supply the United States for 100 years.

A resource yet to be tapped, except for hardwood used in furniture and cabinet making, is timber.

More than 133,000 tourists, lured by sunshine and the islands' natural beauty, visited Hawaii last year. Their spending alone added almost \$66 million to Hawaii's annual income. Two of the attractions of which we in the Department of the Interior are truly proud are the Hawaiian National Park, containing the world's largest active volcano, Mauna Loa, with its "pit of eternal fire," and the City of Refuge National Historical Park at Honaunau. This is a large semiwalled enclosure established before 1700 as a place where the weak, the aged, and others could find a haven.

These facts are not the only evidence of Hawaii's strength. The Hawaiian Islands, roughly the size of Connecticut and Rhode Island combined, have almost 560,000 inhabitants; more than 85 percent of these are native-born American citizens. The Military Establishment, with such permanent facilities as the Pearl Harbor Naval Base, 6 Army posts, and Hickam Air Force Base, adds at least 50,000 to Hawaii's population.

Last year Hawaiians paid over \$140 million in Federal taxes, approximately 50 percent of which was withheld for income and payroll taxes. The labor force of over 210,000 was almost 96 percent em-

played in 1956. An important factor in Hawaii's expanding economy is that almost one-half the islands' people are under 24 years of age. Hawaii's Economic Planning and Coordination Authority, a Territorial agency created to assist new and expanding industries, predicts that "the Territory will witness an increase of about 100,000 in its labor force in the next 20 years." Further statistics compiled by the EPCA show that manufacturing in Hawaii increased by 830 percent between 1940 and 1955. Last year, 514 Hawaiian manufacturers, employing 22,411 people, were engaged in almost every type of manufacturing known on the mainland.

This dynamic Hawaiian economy compares favorably to that of any State of the Union.

In addition, the Hawaiian people are well-informed concerning current developments in the world. As a newspaperman, I was pleased to learn that Hawaii has 28 newspapers, including 7 dailies, serviced by all the major wire services. The islands also have complete radio and TV coverage.

The strategic value of Hawaii to our Nation should not be overlooked. Even before the coming of rapid air and surface transportation, this was recognized. As early as 1852, Representative J. W. McConkle, of California, asked the Congress to annex these islands because of their importance to the United States in war as well as in peace. This importance was brought home to all of us once and for all on December 7, 1941.

In 1955, a report of this committee summarized the rights which statehood would accord to Americans in Hawaii:

1. The right to full voting representation in both the United States Senate and House of Representatives;
2. The right to vote for the President and Vice President of the United States;
3. The right to choose their own governor and to carry on functions of government by their own elected officials instead of Federal administrators;
4. The right to determine the extent of the powers to be exercised by their own legislature;
5. The right to have justice administered by judges selected under local authority rather than Federal appointees;
6. The right to freedom from overlapping of Federal and local authority;
7. The right to an equal share on a per capita basis in Federal grants for education, health, highways, and other public improvements; and
8. The right to a voice in any proposed amendment of the Federal Constitution, as well as on the taxes which the people of the Territory must pay.

As President Eisenhower said in his first state of the Union message on February 2, 1953, enactment of the legislation before you to grant statehood to Hawaii is appropriate because "the people of that Territory have earned that status."

And this fact also should not be forgotten: At the time Hawaii was made an incorporated Territory, Congress was given an opportunity to declare that such action did not carry with it a pledge of statehood. On April 6, 1900, when the House debated S. 222, a bill to provide a civil government for Hawaii, Congressman Ebenezer J. Hill offered the following amendment:

Sec. 105. Nothing in this Act shall be construed, taken, or held to imply a pledge or promise that the Territory will at any future time be admitted as a State or attached to any State.

Mr. Hill said, defending this amendment:

No harm whatever can come from the passage of the amendment I have just offered. It commits Congress to nothing. It simply says that this bill and the

admission of this Territory shall not be taken or construed as a pledge for the admission of the Territory to statehood either in the immediate or the distant future.

MR. CANNON. Whether the amendment be adopted or not, is there anything in this bill which commits the Congress of the United States or the people of the country to admit this Territory to statehood?

MR. HILL. I think there is, so far as the sentimental side of the question is concerned. The American people look upon the authorization and full organization of a Territory as the first step toward statehood. It has always been so construed; it always will be so construed. By the adoption of this amendment we shall simply put ourselves on record as declaring that this legislation is not adopted with that end in view.

A similar amendment presented to the Senate during debate on the same bill was not considered because of a point of order. The House amendment was defeated. While it was ably pointed out by Congressman John S. Williams of Mississippi that the amendment was either unnecessary because it could easily be repealed, or unconstitutional if every territory was "necessarily in process of formation for statehood," the very fact that the gentleman from Connecticut proposed the amendment demonstrates that, prior to the annexation of Hawaii, no territory had been acquired by the United States, the manifest destiny of which was not to become a State.

We are dedicated as a nation to the principles of self-determination and self-government. Admission of Hawaii to the Union will demonstrate to the people of the Pacific and the world that, regardless of race, color, or creed, citizens of the United States, when they inhabit an incorporated territory which has political and economic maturity, will be accorded all the privileges of citizenship.

Our report on H. R. 49 is before you. In it we have suggested some technical amendments. The personnel of the Department are at your disposal and will be pleased to supply any information or assistance you may desire.

MR. O'BRIEN. Does that conclude your statement, Mr. Chilson?

MR. CHILSON. That concludes my statement.

MR. O'BRIEN. Thank you very much. Please extend the compliments of the Chair and the committee to the Secretary on the very fine statement, also our wishes for a speedy and rapid recovery.

MR. CHILSON. I will communicate that to him.

MR. O'BRIEN. I think the committee will agree that in the statement you have met head-on the three arguments which might be raised against admission of Hawaii as a State.

One, of course, is the economic status. I think that there has been no serious question of the ability of Hawaii to support itself as a State economically.

Another point, of course, has been that Hawaii is not contiguous to the other 48 States. You proceeded to discuss that at some length.

The third point which has been raised is the loyalty of Hawaiian-Americans, particularly some members of a powerful union operating in Hawaii.

I should like to ask some questions on that subject, but I believe that I will wait until after the distinguished Vice Adm. George L. Russell has completed his statement.

Dr. Miller.

There seems to be a feeling, if the other members share it, that perhaps we could all wait until after the admiral has concluded his

statement, and then we can address questions either to the Secretary or the admiral. If that is agreeable, we will proceed along those lines.

Admiral, would you proceed with your statement.

STATEMENT OF VICE ADM. GEORGE I. RUSSELL, DEPUTY CHIEF OF NAVAL OPERATIONS OF THE DEPARTMENT OF DEFENSE

Admiral RUSSELL. Mr. Chairman, in testifying before this distinguished subcommittee, I do so as the representative of the Department of Defense. As such, I shall confine my statement to the purely military aspects of H. R. 49, a bill to provide for the admission of the State of Hawaii into the Union.

The portion of the bill of primary importance to the Department of Defense is section 16 (b), which provides for retention of ownership by the United States in all lands held for military purposes. The section also provides for:

(a) Concurrent jurisdiction to be vested in the State of Hawaii and the United States.

(b) Authority for officers of the State of Hawaii to enter on such United States lands for the purpose of serving civil and criminal process.

(c) Reservation to the Congress of the authority, by legislative process, to take exclusive jurisdiction on behalf of the United States.

These provisions are satisfactory to the Department of Defense.

The right of the United States under international law to take defensive measures such as establishment of defensive sea areas or air-space reservations is not in any way modified by a change in status of Hawaii from a Territory to a State, and military strategy would not be appreciably affected if Hawaii were to achieve statehood.

It is the view of the Department of Defense that the provisions of H. R. 49 adequately safeguard the needs of the services and should be supported, and I am authorized to request that this statement be accepted in lieu of a Department of Defense report on the proposed legislation.

Mr. O'BRIEN. Thank you, Admiral.

I would like to ask a few questions at this point.

If there should be a strike, the longshoremen in Hawaii, no matter what the motive might be, would that be any more serious in time of crisis than a strike, say, at the port of New York or some of our strategic ports in the United States? Would not each be equally serious?

Admiral RUSSELL. I would think so in time of a crisis; yes, sir.

Mr. O'BRIEN. Yes.

Mr. HALEY. Will the gentleman yield there a moment?

Mr. O'BRIEN. Yes.

Mr. HALEY. Admiral, you do not mean to tell me if we are fighting a war in Japan or some place over there, a strike in Hawaii would not be more vital to the defense of this country than a strike in the port of New York, Philadelphia, Boston, or Tampa, Fla.?

Admiral RUSSELL. I did not mean to say that; no, sir.

Mr. HALEY. Well, that is what you said.

Admiral RUSSELL. I did not intend to give that impression.

Mr. O'BRIEN. May I rephrase the question?

Admiral RUSSELL. The crisis might be with respect to a war in the other part of the world.

Mr. O'BRIEN. Let me rephrase the question.

Would not a crippling strike in the Port of New York in time of war be a major disaster for the country?

Admiral RUSSELL. I would think so; yes, sir.

Mr. O'BRIEN. Now is it not true that a strike of the kind I have mentioned in Hawaii would be just as serious if Hawaii continues as a Territory as it would if Hawaii became a State?

Admiral RUSSELL. In our view it would not make any difference.

Mr. O'BRIEN. There would not be the slightest bit of difference?

Admiral RUSSELL. No, sir.

Mr. O'BRIEN. The danger would be as great if Hawaii continues to be a Territory?

Admiral RUSSELL. Yes, sir.

Mr. O'BRIEN. Thank you.

Dr. MILLER.

Dr. MILLER. I want to ask Mr. Chilson what he visions as being a roadblock that may be thrown in the way of statehood for Hawaii, what opposition he meant?

Mr. CHILSON. You mean opposition in Hawaii or in this country?

Dr. MILLER. Well, both.

Mr. CHILSON. I cannot conceive of any roadblocks in Hawaii, Mr. Congressman. They have voted, of course, with quite a majority, in favor of statehood. There are, of course, as always, a group of people in the islands who are against statehood at this time, but the great majority are in favor of it. So I do not see any roadblocks there.

Dr. MILLER. You spoke of—Is it the ILWU?

Mr. CHILSON. Yes.

Dr. MILLER. What is that organization?

Mr. CHILSON. That is the International Longshoremen's and Warehousemen's Union.

Dr. MILLER. Is that the one Harry Bridges is president of or associated with?

Mr. CHILSON. That is correct.

Dr. MILLER. Is there a Jack Hall?

Mr. CHILSON. Jack Hall, I believe it is.

Dr. MILLER. Jack Hall?

Mr. CHILSON. Yes.

Dr. MILLER. Is he the one who was convicted, the regional director that was convicted under the Smith Act?

Mr. CHILSON. Yes.

Dr. MILLER. Is it Hall or Bridges?

Mr. CHILSON. It is Hall, as I recall it. That is correct; Jack Hall.

Dr. MILLER. I believe it is under appeal.

Mr. CHILSON. It is in the circuit court of appeals, I understand.

Dr. MILLER. Is he regional director of the ILWU?

Mr. CHILSON. I do not know his exact office. Anyway, he is an officer in the union on the island.

Dr. MILLER. I believe when the Senate Internal Security Subcommittee was out there last December, the ILWU pulled a strike of some kind, and their officers refused to testify before the committee, took the fifth amendment, and so forth.

Do you know anything about that?

Mr. CHILSON. Yes; to this extent, Doctor. I read the report of the Committee on the Judiciary for the year 1956, which gave a description of that demonstration.

Dr. MILLER. The sugar workers and the dockworkers walked off the job, and staged a sort of strike, or a walk on the palace where the hearings were to be held; was that part of the act?

Mr. CHILSON. Yes. According to the Eastland committee report there were approximately 6,500 workers on the islands, but the committee reports as far as it could determine only 1 ship was not loaded on schedule, and even that was delayed only 1 day. I take it that was a rather short demonstration with a limited number of people.

Dr. MILLER. And there were some angry threats by Bridges, I believe, and by Jack Hall, or some of the officers, as to what they would or not do in tying up the traffic in the islands?

Mr. CHILSON. That is my understanding.

Dr. MILLER. Is it possible for this organization to tie up all loading and unloading and transportation? Is that your understanding?

Mr. CHILSON. Mine is not personal knowledge. My understanding from reading and what I have heard is that probably the union does have that ability. It was demonstrated, I think, in 1949, with a 6-month-long strike that did tie up the shipping to and from the islands.

Dr. MILLER. What is your appraisal of their influence on the political situation in the islands, on their own legislature, or in the political arena? Do they carry considerable weight, or is it rather nil—more noise and less production?

Mr. CHILSON. I do not know as I am competent to answer that entirely. I will give you my ideas from what I have heard and read.

Undoubtedly they do carry some weight in the islands. They have a large membership. But there have been several instances of persons who were defeated who were backed by that union. There have been several instances of persons who were elected who were opposed. Governor King, I assume, will testify here, and I think he can give you a lot more information in detail than I can.

Dr. MILLER. I sort of visioned that as one of the objections that will be brought up. I do not know the answer. I do not know how many of the present legislature of Hawaii were elected because of the support of the ILWU. We have heard reports, of course, that the legislature was entirely under the control of Harry Bridges. If that is true, of course, it is a difficult thing to overcome in the Congress.

The other thing I wanted to bring up: I have been reading this bill, H. R. 49. I am unable to determine just what the boundaries of the new State would be. Have you determined that, Mr. Chilson?

Mr. CHILSON. Yes. There is a map here that I think perhaps could be used to advantage, but section 2, of the bill, H. R. 49, states that the State of Hawaii shall consist of all the islands included in the Territory of Hawaii, except the atoll known as Palmyra Island. Of course, it specifically states that the proposed State shall not include Midway, Johnston Island, Sand Island (offshore from Johnston Island), or Kingman Reef.

So, in general, the State of Hawaii would consist of what is now the Territory of Hawaii with the one exception of the atoll known as Palmyra.

Dr. MILLER. I wonder if it would not be necessary to determine as nearly as possible the latitude and longitude when it comes to laying

out the new State, instead of sort of general terms of certain islands and other surrounding islands, which is not very definite. If it comes to international problems, international waters, determining on an international basis, it might be quite important sometimes that we know pretty accurately by longitude and latitude just where the boundary might be.

Mr. CHILSON. If the committee thinks that is desirable, we will be prepared to draft an amendment making the description on that basis.

Dr. MILLER. I think it might be desirable. As I remember, 2 years ago we had quite a struggle in the committee as to where such a line should or should not be. Because of international complications that might arise because of not knowing where the boundary would be; it seems this should be settled.

I think that is all I have.

Mr. CHILSON. Do I understand that that is the request of the committee?

Dr. MILLER. I think it will come up in our executive meeting when we write up the bill, and it might be well to have some thought given to it, so that it can be discussed. If the committee thinks it is wise to spell out exactly where the boundaries would be, I think it would strengthen the bill, instead of using an indefinite line where you might have, perhaps, 100 miles difference as to where the State line would actually be located.

Mr. CHILSON. We will draft such an amendment and will await the call of the committee for presentation.

Dr. MILLER. I think that would be good. I for one would like to spell out pretty well the boundaries. Two years ago we had a variation of a hundred miles or more as to where the boundary might be, and I do not think that would be good in international affairs because of shipping incidents that might occur either within the new State or without the new State.

Mr. O'BRIEN. I might say, Mr. Chilson, the committee would appreciate that information. As I recall, in the last Congress we spent considerable time when we were writing up the bill on the question of boundaries, and finally resolved it after a fashion. If we had the information requested by the gentleman from Nebraska, it might save the committee considerable time.

Dr. MILLER. The other question I have to ask about is this: I wish somebody in your office or someone with authority would determine the amount of influence that Harry Bridges' crowd has upon the political climate in the islands, as to whether the legislature is or is not under his control. Whether we can do anything about it is another question.

It makes it rather difficult to answer arguments. When those who are not favorable to statehood say, "Well, you are going to have a fellow down here who has taken the fifth amendment, and he is under Communist influence. What are you going to do about it?" It is rather difficult.

If it can be proven they do not have very much influence on the members they back and a high number of selections were not successful, I think the argument maybe would be disproved.

On the other hand, if they were successful in electing all of their candidates for office, many people would look with a good deal of

question on admitting a State that has known Communist affiliation and leadership.

Mr. CHILSON. So far as we are able, then, you would like for us to present our views on the extent of influence the ILWU has in electing and having influence on the elected officials in Hawaii?

Dr. MILLER. It is very important that the Members of Congress have a feeling as to that influence before we take some stand on the question.

Mr. CHILSON. Along that line, Doctor, I might point out that during the 1949 strike it was the territorial legislature that passed the bill which provided for the hiring of people to replace the stevedores and so on. Also, to make our position clear, we feel that the Communist threat or conspiracy can be met equally well, if not better, with Hawaii as a State than it can as a Territory.

Dr. MILLER. Thank you.

Mr. O'BRIEN. Will the gentleman yield for a moment?

Dr. MILLER. Yes.

Mr. O'BRIEN. May I say that the information requested by the gentleman from Nebraska on subversive—I mean, if there is influence, direct Communist influence on members of the legislature, certainly that would be a pertinent point. But I think that we have to be very careful in drawing up any kind of a list which might label as a Communist a person solely because he was elected and had the support of a particular labor organization. Sometimes very fine people, people violently opposed to communism and other things might have the support of questionable elements and not necessarily be subject to the influence of those people who supported them.

So I think in the report we should look to see if there has been direct influence upon the actions of members of the legislature by Communists, rather than saying that a man is a Communist or controlled by the Communists because he happened to win an election in which he had the support of a particular labor organization.

It has been my experience—

Mr. EDMONDSON. Will the gentleman yield?

Mr. O'BRIEN (continuing). That sometimes both major parties seek out the support of labor organizations in the hope of winning elections, without necessarily subscribing to the views of those organizations, or to the views of individual or powerful members of those organizations.

Now I will yield.

Mr. EDMONDSON. Early in the hearings of this session on Alaska statehood an exhibit was placed in the record of the hearings which was Mr. Hoover's enumerations of the Communist membership in the different States, and also in the Territory of Hawaii and the Territory of Alaska. I would like to ask unanimous consent, in order to get the record clear on this point both as to Hawaii and Alaska, that that same exhibit may be made a part of the record at this point.

Mr. O'BRIEN. Do I understand that is a report by Mr. Hoover of the number of known Communists in all of the States and in the Territories of Alaska and Hawaii?

Mr. EDMONDSON. To be specific, the exhibit that was placed in the record on Alaska was a special reprint of an article by Mr. Hoover appearing in the March 30, 1951, issue of the U. S. News & World Report, in which he detailed in the 48 States and in Puerto Rico,

Alaska, and Hawaii the Communist Party members that the FBI knew existed in those different areas.

It shows 10 Communist Party members in the Territory of Alaska as contrasted, if the gentleman will pardon me, with 22,575 in the State of New York, and 36 in the Territory of Hawaii.

I just thought the complete exhibit should be in, in order to give the House membership the complete statistics for the 48 States.

I might say, in all fairness to the gentleman from New York, that the number listed in Oklahoma was more than $8\frac{1}{2}$ times the number shown for the Territory of Hawaii—120 in the State of Oklahoma.

Mr. COLLIER. Will the gentleman yield?

Mr. EDMONDSON. Yes.

Mr. COLLIER. Does that indicate any figures per capita? There is a tremendous variation.

Mr. EDMONDSON. It is simply a count of the party members by State and by Territories.

Mr. COLLIER. Then the gentleman would agree that the per capita figure would certainly be a better yardstick rather than by simply numerical figures?

Mr. EDMONDSON. I would agree that it would be something to be given consideration, of course. But the total party membership is also something of importance when we weigh and evaluate the importance of the threat.

Mr. O'BRIEN. May the Chair say that I have not been able to figure out the per capita on Hawaii, but for New York we come up with a rather dismal figure of 1 out of every 700 persons. I think we should say, too, that perhaps those figures have changed recently because the Communist Party has moved its headquarters from the great State of New York to the great State of Illinois, and we hope that it will take the entire membership wherever it is going.

I think your per capita in Hawaii would work out to about one in twelve or thirteen thousand.

If there is no objection—

Mr. HALEY. Reserving the right to object, Mr. Chairman. The exhibit you propose to put in here is a statement, it is true, by FBI Director Hoover. It is an article of March 30, 1951, which is 6 years ago.

I am not going to object to the gentleman's request to put it in, but I do not see it would have too much bearing on what we have here.

I might call to the attention of the gentleman from Oklahoma and also the gentleman from New York (Mr. O'Brien), taking his own figures here, that the State of Mississippi, which has been so much maligned and so forth about their attitude toward certain things, has the total of one known Communist in the entire State. The State of Kansas has six. The State of Wyoming has only four.

Mr. SISK. Will the gentleman yield?

Mr. HALEY. Just a second. I might say, unfortunately for us, down in Florida—and I wish we knew how to get rid of them—we have 225. The State of Vermont has 25, the State of Maine has 25. The State of Nevada has 16. So I would like to call that to your attention.

Mr. WEAVER. I am glad the gentleman did not find any from Nebraska.

Mr. HALEY. From where?

Mr. WEAVER. Nebraska.

Mr. HALEY. For the record, I think it has 35.

I want to call to the attention of the committee that in one of the most maligned States in the southern part of this country, which has been supposedly so unfair to minority groups, we find exactly one Communist—in Mississippi. I think that is a fine record.

Mr. PILLION. Will the gentleman yield?

Mr. HALEY. Wait a minute. I have not got the time.

Mr. O'BRIEN. I will yield to Mr. Pillion.

Mr. PILLION. With respect to the statement of the listing of Communists, we are not interested in purely a numerical census of Communists as established by Mr. Hoover. I think we are primarily concerned with the influence upon the economy, upon the political structures, and upon the military, perhaps, in Hawaii.

I am pleased to have this record. However, in all fairness, that record does not indicate the political influence exercised and controlled by the Communists and the Communist Party in Hawaii.

In order to follow up the insertion of this numerical numbers game in the record, I think it would be only fair to ask Mr. Hoover to appear here personally and give his opinion of the extent of the influence of Harry Bridges and Jack Hall and Mr. Foster and the other top Communist brains in the country, and have him appear so we may talk with him about the situation and get a full explanation of what this old list actually means of terms of translation into power. That is what we are talking about—political power in sending two United States Senators to the United States Senate, and the influence of men like Jack Hall and Harry Bridges. Do we want that type of thing here in Washington—two men who owe their political power to men like Harry Bridges and Jack Hall—

Mr. EDMONDSON. Will the gentleman yield there?

Mr. PILLION. And men of their type.

I think, in all fairness—I am not going to object to that going into the record, but if it does we ought to have Mr. Hoover here.

Mr. HALEY. Will the gentleman yield?

Mr. PILLION. So that we are not shut off as we were shut off in the Alaska hearings and not be permitted to bring in witnesses from the departments.

Mr. O'BRIEN. Will the gentleman yield?

Mr. HALEY. Will the gentleman yield?

Mr. PILLION. I will yield to the gentleman from Florida. The chairman may later make an explanation if he desires.

Mr. O'BRIEN. I beg the gentleman's pardon. I yielded to the gentleman from New York.

Mr. PILLION. I beg your pardon.

Mr. HALEY. Will the gentleman yield?

Mr. O'BRIEN. In one moment I will be glad to.

I cannot permit the record to show or indicate that the gentleman was shut off in the hearings on Alaska statehood. Those hearings covered a period of more than 3 weeks. They were longer and more complete than any hearing on statehood for any Territory in the history, as nearly as I can find out—certainly longer than the hearings in the last Congress, much longer than the combined hearings on statehood for Alaska and Hawaii in the other body. I cannot for the life of me see what would have been gained by prolonging the hear-

ings another week when the best the gentleman could produce in 3½ weeks was a lady who has been running around Alaska for years asking for a referendum, refusing to admit that one ever took place.

Mr. PILLION. Will the gentleman yield?

Mr. O'BRIEN. Yes.

Mr. PILLION. The exhaustive and lengthy record, if we will recollect, was made by the witnesses selected by the chairman and not by anyone in opposition to statehood. The lady that the chairman refers to here certainly was not chargeable to anyone here. The chairman, I think, allowed her to speak upon her own request to speak in opposition to statehood. But the witnesses that were requested in writing to be asked to come here were not granted, that is, departmental witnesses.

Mr. SISK. Will the chairman yield for a unanimous-consent request?

Mr. O'BRIEN. May I just clear up this point? The request in writing for additional departmental witnesses was handed to the Chair at a point where we had decided to conclude the hearings. The gentleman, in effect, was asking to reopen the hearings. I told the gentleman at that time that I would oppose prolongation of the hearings into the filibuster stage, but that the Chair was subject to the decision of the committee itself. As far as I know, the record does not show anywhere the committee voted to require the chairman to continue those prolonged hearings.

Now I yield to the gentleman from Florida.

Mr. HALEY. Is the gentleman through? Is it my time now?

Mr. O'BRIEN. I was not quite finished, but I will yield.

Mr. HALEY. I thank the chairman.

(Discussion off the record)

Mr. SISK. Will the gentleman yield for a unanimous-consent request?

Mr. O'BRIEN. Yes.

Mr. SISK. If I might make an explanation first.

Throughout these 2 or 3 weeks on Alaska many of us never had an opportunity to question witnesses, and I would like to ask unanimous consent at this time that the time be distributed among members and limited to 5 minutes for each member until it has gone around the table, and then those desiring to ask further questions would be permitted to do so.

Mr. HALEY. I object.

Mr. SISK. I ask unanimous consent that be done.

Mr. HALEY. I object.

Mr. PILLION. I object. We have had no opportunity to present any testimony here except by means of examination of the proponents' witnesses. We had no—

Mr. SISK. Will the gentleman permit me to explain a little further?

Mr. PILLION. We had no opportunity to put on direct witnesses, and—

Mr. SISK. Mr. Chairman, I believed you yielded to me, did you not, for this request?

Mr. O'BRIEN. Yes.

Mr. SISK. I am not attempting to cut the gentleman from New York off. I will say to the gentleman from New York—and I say this with all kindness because he is a good friend—the record would

show that he used 20 times the amount of time in the Alaska hearings that I did, or that the majority of the members of this committee did.

All I am asking in my unanimous-consent request is this: That each member have at least 5 minutes to question these witnesses, and then, as I said, those desiring to ask further questions would be recognized for whatever questions they desire. So there is no attempt on my part to cut anyone off.

Mr. PULLON. Will the gentleman compare my time with the time of the good chairman here, and who has been pretty much in favor of statehood here at all times?

Mr. SISK. I am not comparing the gentlemen, I am comparing the time used by several of us members. I know the Delegate from Alaska time after time did not even have an opportunity to question the witnesses, because of the fact that all of the time was consumed by other members.

As I say, I am not asking anyone be cut off. I know the gentleman from Florida has many questions. But it seems to me in fairness to those of us a little further down, we should have at least 4 or 5 minutes to ask a few questions, and then the other members can consume as much time as they desire.

Mr. HALEY. Mr. Chairman, I am going to object to the request. I am going to say to the distinguished gentleman from California that the gentleman from Florida uses very little of this committee's time in most any hearings that you have here, but I am certainly not in favor of cutting off any person who wants to question the witnesses. As the gentleman from New York has said, that is the only way apparently that we can obtain some information here that has great bearing on the decision we are going to make.

Mr. SISK. If the gentleman will yield for a question. Does anything I have said indicate a desire to cut anyone off?

Mr. HALEY. I think the chairman has been going down the line, and it has been customary to recognize a member of the committee when it is his time to be heard. I ask that we continue the regular order.

Mr. O'BRIEN. The Chair apparently still has the time, especially in view of what happened to the gentleman's unanimous consent request.

I would like to say there was never any attempt in this hearing or in the Alaska hearing to cut off any witnesses any member wanted to bring before this committee.

Now the facts of the matter are these:

Public notice was given of the hearings on Alaska statehood and on Hawaii statehood. Anyone in opposition who wanted to had 3½ weeks to get here. The gentleman from New York cannot point to any part in the record where he had a witness present and that witness was denied an opportunity to be heard. He says he did make a written request that certain departmental witnesses be brought here. That request was made after we had been in session or in hearing for 3 weeks. I did not call those witnesses because I felt that we had covered the situation fully and completely.

I have no quarrel with the gentleman in questioning these proponents thoroughly, because it is my considered judgment that he has to do it to make a case, because there are very few opponents who have signified a desire to speak here against statehood for either Alaska or Hawaii.

Dr. MILLER. Will the chairman yield at that point?

Mr. O'BRIEN. Yes.

Dr. MILLER. May I put my latest "Gallup poll" in the record?

Mr. O'BRIEN. Yes.

Mr. PILLION. Will the gentleman explain what that is?

Dr. MILLER. It is rather surprising to me and does not necessarily indicate how I am going to vote. But about 2 weeks ago I had requested the papers and radio stations to run a little poll as to whether people were for immediate statehood for Alaska, and as of this morning there are 1,271 replies on statehood for Alaska, 221 for and 1,050 against. And the letters are written with pencil and pen and poorly spelled and express the opinion of many people in Alaska against immediate statehood for Alaska.

I might say that I sent a poll to my own district stating 10 or 12 questions, and one of the questions was statehood for Alaska. It is running about 2 to 1 for statehood for Alaska, and I think that probably represents my thinking.

But for the benefit of the chairman, apparently a great many people in Alaska do not think it is ready for immediate statehood.

On April 15 I am going to render a final report, probably not saying anything more about it until then, and that will be my last report on statehood. But I thought it would be the other way. I thought it would be at least opposite from what it proved to be. Those letters are available to any member of the staff or the committee that wishes to look them over. To me they were a revelation.

Mr. O'BRIEN. May the Chair say the gentleman had a perfect right to take a poll, but his poll is not a matter at issue here. The matter at issue is whether or not those people who say they are opposed to statehood came to Washington to be heard before this committee and were denied an opportunity, which is not the case. Nowhere in the record could such a case be substantiated.

I might say, further, to the gentleman from Nebraska, that I am getting a little overcrowded in my office with same letters of my own from Alaska, which are running about 6 to 1 for statehood. I did not put them in the record, or refer to them previously here, because I do not believe in those kind of polls. I do not think that we should legislate under the whip of polls, which include the clippings of little paragraphs out of papers and marking an "X" thereon.

Dr. MILLER. Mr. Chairman, I will challenge you to make your poll available to the staff, and I will make mine available and see how they stack up. If you are in favor of that, we will make them available. I did not get those from clippings; I got long letters from the people. I challenge you now to make all the letters you received from Alaska available to the staff, and I will make mine available, and let somebody add them up.

Mr. O'BRIEN. If I were to accept that challenge, I would be admitting that we in Congress are going to legislate under the pressure of impromptu polls.

May I say this: That in most of the districts of this country, if we were to have a poll immediately after the election on the member elected it probably would run against that member because those who voted against him would make sure to get it before Congress, and those who voted for him would feel they had expressed their opinion at the proper place, the polling place, where on several occasions the

people of Alaska have expressed their opinion and, I understand, the people of Hawaii, too.

Mr. PILLON. Will the gentleman yield?

Dr. MILLER. Let me say this: I think the Alaska statehood hearing was conducted fairly, but I think you should bear in mind that there is the Alaska Statehood Commission, who has all of the propaganda machinery on their side. I am not going to depreciate the letters of these people that they took pains to write and put a 6-cent stamp on to bring them to me. I think they are important.

May I say, too, I expect to follow up perhaps the vote that comes from my own State as to how I vote on statehood.

Mr. SISK. Mr. Chairman, I make a point of order----

Dr. MILLER. Let me finish my statement first.

Mr. SISK. I will be glad to let the gentleman finish his statement and will reserve the point of order until the gentleman does finish.

Dr. MILLER. I am not going to depreciate the letters I received. Ninety percent of them were not paper ballots and they were long letters written with pencil and pen, some not too well written, expressing their opinion as to statehood. I will say, if the gentleman wants to put his letters up, I will put mine up and we will let the staff look at them, or this committee. I think he will be surprised at the people who could not come to Washington, who did not know whom to write to, apparently had no spokesman here because their Delegate from Alaska was for statehood. And I have been for statehood, but they had an opportunity to express themselves and poured out their hearts in an unbelievable expression.

Mr. O'BRIEN. Would the gentleman suggest seriously that the people of Alaska-----

Mr. SISK. I renew my point of order. It was my understanding this hearing this morning was called to consider Hawaii statehood, and I insist on that.

Mr. O'BRIEN. The gentleman's point of order is well taken.

Speaking to the point we were discussing before we got off on a sidetrack, there is a more recent communication from the Department of Justice than the article by Mr. Hoover referred to earlier. The United States Department of Justice, in a letter to the Honorable Henry M. Jackson, United States Senate, on March 28, 1957, stated:

The number of Communist Party members in Hawaii is not large. On January 13, 1954, the Attorney General advised Senator Hugh Butler of your committee that the number of known members of the Communist Party appeared to be fewer at that time than in 1950. Since then there has been no significant change in the number of party members.

Now the gentleman from New York has suggested that perhaps Mr. Hoover should testify. I believe that the Department of Justice should testify because we have a matter here involving internal security which is in dispute.

On January 16, 1957, this committee requested a report from the Department of Justice on pending Hawaiian legislation. As of 10 o'clock this morning no report had been received. It appears that a report has been prepared in Justice and is awaiting a return to Washington of the Deputy Attorney General, Mr. William P. Rogers, and that he will return at noon today.

I think that this committee is dutybound to make every effort to obtain the appearance of one or more competent witnesses from the

Department of Justice to answer certain basic questions regarding internal security in the Territory of Hawaii.

Would that meet with the approval of the gentleman from New York?

Mr. PILLION. Yes, it would. I would like to elucidate somewhat, however, upon the gentleman's reading of a portion of a letter of March 28 by the United States Department of Justice, in which they clearly throw up a red flag of warning to both the Senate committee and to Congress about the dangerous situation of communism in Hawaii. I would like to read a portion of that letter that was referred to and read from by the chairman. It states as follows in the paragraph after the point where the chairman stopped:

As you know, of course, the threat of Communist subversion can never be judged solely by actual numerical strength of the Communist Party. It is rare in the history of the world that Communists have ever obtained power or influence through the electoral process. The serious threat of communism in Hawaii, as elsewhere in this country, is through infiltration into those fields of activity which have an important bearing upon the political and economic life of the Nation and the States. Consideration must be given to the extent of influence and control Communists, Communist sympathizers, and their associates may be able to exert particularly through the International Longshoremen's and Warehousemen's Union in the islands. I would think that members of the Senate Internal Security Subcommittee of the Senate Judiciary Committee who were recently in Hawaii investigating these matters from November 30 to December 9, 1950, could furnish you with very helpful information along these lines. You will recall, of course, that the ILWU was expelled in May of 1950 from the Congress of Industrial Organizations on the ground that the ILWU consistently followed the policies of the Communist Party.

The letter goes on, Mr. Chairman. There are six books or volumes of testimony upon the most recent investigation by this Senate committee on communism in Hawaii.

By the way, that committee is using for the first time, I believe, the law under which we grant immunity to some of these Communists who no one has been able to ferret out, and is going to give them immunity. We hope that after giving them immunity they will be required to testify and we can follow the lines of communistic activities throughout Hawaii and find out what these lawyers and some of these other people now given immunity will testify to, so that we will get a full revelation of all the political and economic interconnections of the Communist Party in Hawaii and find out the extent of their influences there.

Mr. O'BRIEN. Might the Chair say that the Department of Justice, through the Office of the Attorney General, the Federal Bureau of Investigation, is charged directly for the responsibility of matters involving internal security, and in view of the fact that this point has been raised—there has been some doubt in some minds as to the position of the Department of Justice—I am instructing again the staff to determine whether we can expect the appearance tomorrow of witnesses speaking for the Department of Justice.

Mr. PILLION. May we have Mr. Hoover here?

Mr. ABBOTT. Mr. Chairman?

Mr. O'BRIEN. Mr. Abbott.

Mr. ABBOTT. If I may, Mr. Chairman. I have been in conversation with the Office of the Deputy Attorney General within the past 10 days on the intended presentation by the Department of Justice, and the request was made, and I talked again with Mr. Fred Ford in

the office of Mr. Rogers as to whether we can anticipate receiving the presentation or appearance of individuals competent to speak on internal security.

There is, of course, an entire division under the Assistant Attorney General responsible for internal security, and we do not normally request specific individuals as witnesses unless, of course, the committee expressly so indicates.

Mr. PILLION. Mr. Chairman, if I may. In view of the fact that this listing of members of Communists has been placed in the record, I believe that the person who could best elaborate upon that information would be Mr. Hoover, who is credited with the authorship of that listing. It is only fair that he would come in here and give his version since his name has been used in favor of statehood. We might in that limited way—it would only be fair he appear and give a full explanation to the committee of his judgment as to the seriousness of the communistic threat in Hawaii.

Mr. O'BRIEN. I think it would be better to request the Department of Justice to be represented here and leave the selection of their spokesmen to the Department, because we cannot assume that Mr. Hoover has information that is lacking to the Department itself. It has been the custom here to request departments to appear. We know we have before us testimony in favor in the statement of the Department of the Interior, and there is no objection from the Department of Defense. I think it is pertinent to this inquiry to find out how the Department of Justice feels about it for the committee to consider. I do not think the testimony of any witness is completely binding on this committee, but I do think we have had a situation in the last few days where publicly the question has been raised—"Does the Department of Justice favor statehood, or does the Department of Justice not favor statehood?"

I do not think any reasonable person reviewing the letter sent to Senator Jackson could come to any final conclusion thereon. So I think it would be desirable to have a witness from the Department of Justice.

Mr. PILLION. Then the decision of the Chair is that Mr. Hoover will not be called even though requested?

Mr. O'BRIEN. It may very well be that the people at the Department of Justice will send Mr. Hoover. I am very sure they will send their most informed and most articulate representative, and it could very well be Mr. Hoover. I have no knowledge of that. It is certainly not in our jurisdiction.

The Chair will have to check now and see who had the time when we became engaged.

Mr. HALEY. You do not have to check because you have had it all the time, and it now comes to the gentleman from Florida, I think, because the gentleman from Nebraska had finished his questioning about 30 minutes ago, as I understand the situation.

Mr. O'BRIEN. May I say to the gentleman that, if he had agreed to the unanimous-consent request made by the gentleman from California, this would have ended 25 minutes ago, and the gentleman would be finished with his questioning.

Mr. HALEY. I realize that, Mr. Chairman, but for my part I do not care how long you question if you bring out some of the facts here.

Is the gentleman from Florida recognized?

Mr. O'BRIEN. The gentleman from Florida is recognized indeed.

Mr. HALEY. Then I want to recognize and yield to the gentleman from California for exactly 5 minutes—exactly 5 minutes.

Mr. O'BRIEN. The gentleman from Florida yields to the gentleman from California for exactly 5 minutes.

Mr. SISK. Let me express my deep appreciation to my good friend from Florida for this kindness on his part.

I would like to ask, Mr. Chilson, are you aware of the total membership of the ILWU, that is, the International Longshoremen's and Warehousemen's Union?

Mr. CHILSON. I am not personally.

Mr. SISK. I am not restricting that now to the Hawaiian Islands, but the total membership.

Mr. CHILSON. Oh. No, I am not.

Mr. SISK. Do you know where the headquarters of the ILWU happen to be?

Mr. CHILSON. My recollection is San Francisco.

Mr. SISK. I think that is in line with the facts in the case.

I might say there are a very substantial number of ILWU members in the State of California. In fact, I have some in my own district.

Does the gentleman feel that the statement which he read at page 3 is in truth facts? Have they been verified?

I have in mind there the matters pertaining to the loyalty of the Hawaiian people. Does the Acting Secretary of the Interior feel that those are factual?

Mr. CHILSON. We have no reason to believe that they are or are not. We never made any individual check of the records, but we have no reason to believe they are not factual.

Mr. SISK. Is it not a fact there has never been anything proven that would indicate any disloyalty at any time on the part of the Hawaiian people?

Mr. CHILSON. So far as I know that is a correct statement.

Mr. SISK. So a great amount of this questioning would seem to me to reflect on people most unfairly here.

I would like to ask you further: Do you feel that we are in any better position—and by "we" I mean the United States Government and those concerned with control of Communist infiltration—that we are in any better position to take care of and control Communist infiltration with Hawaii as a Territory than we would be if it were a State?

Mr. CHILSON. No. I think we are in just as good position to control communism in the islands with Hawaii as a State as with Hawaii as a Territory.

Mr. SISK. Do you not agree with me that we would have a better argument, as a matter of philosophy, if it were a State than we do at the present time when the Communists can say, "Well, you are being denied the right to vote. You are being denied certain privileges of citizenship in the islands under the present setup"?

Do you not feel as a matter of philosophy we would be better able to meet the Communist threat if Hawaii were a State?

Mr. CHILSON. Yes, sir; I do. I think that that point is mentioned in the statement, in the next to last paragraph, where we pointed out

that we believe admission of Hawaii to the Union will demonstrate to the people of all the world that—regardless of race, color, or creed—when the people of the Territory are ready politically and economically they should be incorporated and given the privileges of statehood.

Mr. SISK. I thank the gentleman from Florida for his kindness in yielding to me for 5 minutes.

Mr. O'BRIEN. Will the gentleman from Florida yield for 5 minutes for the purpose of getting the parliamentary train back on the right track?

Mr. HALEY. I will be the judge of who is going to put the train on the track, but I will yield.

Mr. O'BRIEN. The gentleman from Oklahoma made a unanimous-consent request that the article from the U. S. News & World Report containing information from J. Edgar Hoover be made a part of the record. The gentleman from Florida reserved the right to object, and we took off from there.

Does the gentleman from Florida now withdraw his reservation?

Dr. MILLER. Will the gentleman yield there? I do not believe it has been the custom to put these magazine articles or newspaper articles or newspaper articles in the record unless they are read into the record. I think otherwise we get too large a record. I would suggest that the gentleman not request it be placed in unless it is read into the record. That has been the custom in the past and we have followed heretofore.

Mr. O'BRIEN. I would be inclined to agree with the gentleman from Nebraska on the pertinence of his statement.

Mr. HALEY. I think the record will reveal I reserved the right to object, and I withdrew the objection. I merely looked at it. It is several pages of a magazine. I know the committee has refused many members of the committee permission to put magazine articles and editorials and so forth into the record. As a matter of fact, just a few days ago I had to read an article about so long [indicating] from an editorial. I think that is the proper way to put it in the record. If the gentleman from Oklahoma on his own time wants to put it in, I do not object.

Mr. O'BRIEN. Would it be the will of the committee that the article in question be made a part of the file in the hearings rather than a part of the record?

Mr. PILLION. I have no objection.

Mr. O'BRIEN. Without objection, it is so ordered.

(The article will be found in the file of the committee.)

Mr. O'BRIEN. The gentleman from Florida.

Mr. HALEY. Mr. Secretary, you talked about the Department having no objection to bringing the great Territory of Hawaii into statehood. Where does the Department intend to stop on these things? What about the various mandated islands in the South Pacific? Would your position be the same there as it is in this particular case?

Mr. CHILSON. Not at this time.

Mr. HALEY. Not at this time. All right.

The gentleman from Nebraska asked you something about the boundaries of the proposed State of Hawaii. There is a map right behind you, Mr. Secretary. Would you roughly give us some idea of what you think the boundaries of that State should be?

Mr. CHILSON. By reading them off here I think maybe I can give the committee an idea. The proposed bill includes the island of Hawaii, the island of Maui, Oahu. I do not know whether I can pronounce these or not.

Mr. HALEY. I cannot sometimes myself.

Mr. CHILSON. Kauai, Molokai, Lanai, Niihau, and Kahoolawe.

Mr. HALEY. Is that all?

Mr. CHILSON. No, there are some small ones: Molokini—I do not know whether I can locate them. Mr. Lausi will you point them out as I call them off?

Lehua, Kaula, Niihau, Necker, Laysan, Gardner Pinnacles, Lisianski, Cure, and the French Frigate Shoals.

Mr. ABBOTT. Cure, spelled C-u-r-e, on that map is the extreme northwest of the archipelago.

Mr. CHILSON. Those are according to the list I have here.

Mr. HALEY. Mr. Secretary, how many acres of land does that comprise?

Mr. CHILSON. The total number of acres?

Mr. HALEY. Yes, just roughly.

Mr. CHILSON. I cannot give it to you just roughly, because we have the area in square miles on the larger ones. I could compute it. Would square miles do the job?

Mr. HALEY. That will be fine.

Mr. CHILSON. Hawaii has 4,030 square miles; Maui, 728; Oahu, 604; Kauai, 550; Molokai, 260; Lanai, 141; Niihau, 72; and Kahoolawe, 45. The total area of the Territory is 6,435 square miles.

Mr. HALEY. How many square miles of international waters is in the proposed State boundaries?

Mr. CHILSON. Between the various islands?

Mr. HALEY. I am talking about whatever you are going to take in as a State.

Mr. CHILSON. We do not have that information available. We can furnish it.

Mr. HALEY. When you furnish that information, I wish you also, Mr. Secretary, would furnish this committee with some kind of a statement to tell us how you are going to control international waters between these various islands.

Mr. CHILSON. We will do so.

Mr. HALEY. Do you, Mr. Secretary, agree with this statement?

There isn't a dictator anywhere in the world who has more power than union leader Harry Bridges has over Hawaii.

Would you agree with that statement?

Mr. CHILSON. No, I would not agree or disagree, Mr. Congressman, because I do not know.

Mr. HALEY. You do not know.

Would you agree with this statement?

The islands' economy is completely dependent on the whim of Bridges and the policies he dictates to the International Longshoremen's and Warehousemen's Union.

Mr. CHILSON. No, I do not believe that I could agree with that, Mr. Congressman.

Mr. HALEY. Then you are in disagreement with the then Territorial Senator Dillingham, who is probably fourth or fifth generation in the

islands, and a man who has been quite outstanding up until just a few years ago, or a few months ago, in his desire to have statehood for Hawaii. You disagree with him on that question, do you not?

Mr. CHILSON. I think I would have to, because I feel that the Federal Government and also the State government has some control over the situation. I mean, I do not think that we are completely helpless and at the whims of any man.

Mr. HALEY. Would you care to comment on this, Mr. Secretary? Suppose that a man who has a great deal of authority in your own department attended a dinner given by the Hawaiian labor leader, Jack Hall; your employee attended that dinner. What would be your reaction as to what you might do?

Mr. CHILSON. I would fire him the next day if I could.

Mr. HALEY. Just for your own information, that is exactly what Gov. Samuel King did when his attorney general, Edward M. Silva, attended the dinner, and I want to commend him for it.

Mr. PILLION. Will the gentleman yield?

Mr. HALEY. Yes.

Mr. PILLION. Did that happen recently, in November of 1956, where the attorney general, who is charged with prosecuting subversion, prosecuting communistic conspiracy, went to this dinner at which Jack Hall, the convicted Communist, was either the guest of honor or was the organizer of this dinner, and the man who was to prosecute him went to his dinner?

Mr. HALEY. That is my understanding.

Mr. PILLION. This happened in November 1956, very recently.

Mr. HALEY. It happened in November 1956.

Mr. Secretary, would you agree with this statement—

The overall picture here has convinced me there is still a continuing Communist conspiracy in the islands.

Mr. CHILSON. Mr. Congressman, from what I have read—now I have no personal knowledge, because the last time I was there was in 1925, the only time—from what I have read I have no doubt that there is an attempt to continue the Communist conspiracy in the islands.

Mr. HALEY. Then you would agree with that statement made by the distinguished Senator Arthur V. Watkins of Utah, Republican of Utah?

Mr. CHILSON. Yes, I think I would agree with that.

Mr. HALEY. All right.

May I ask Admiral Russell this question: Admiral Russell, from your brief statement, of course, you all have no feeling one way or the other in this thing, do you? It is all right, you would be just as happy, or the Department of Defense would be just as happy if this thing went on under territorial status; would you not?

Admiral RUSSELL. Our interest is in protecting our military installations, and being able to fight a war from there.

Mr. HALEY. You could do it just as well under Territorial status as you could under statehood?

Admiral RUSSELL. We think there is very little difference; yes, sir.

Mr. HALEY. Let me ask you this, Admiral: This bill provides concurrent jurisdiction on military installations by the State of Hawaii and the United States. You have some very extensive installations, do you not, out there?

Admiral RUSSELL. Yes.

Mr. HALEY. Do you think the State government should have concurrent jurisdiction over them?

Admiral RUSSELL. Yes, sir.

Mr. HALEY. You do?

Admiral RUSSELL. Yes, sir.

Mr. HALEY. You think they ought to be able to go into these installations at any time?

Admiral RUSSELL. For the purposes of serving their civil and criminal process, and we have a procedure for that which starts with the proposition that they do not interfere with our efforts. We make available the people on whomever they are serving the process.

Mr. HALEY. You make available. But do you believe that the State of Hawaii should be allowed to enter on a military installation that a Member of the Congress cannot enter?

Admiral RUSSELL. No, sir; but—

Mr. HALEY. Let's clear up your statement.

Admiral RUSSELL. I do not think we would let them in to these highly classified places, Mr. Congressman. They do not have to do that for the purpose of exercising its jurisdiction.

Mr. HALEY. That is what this bill proposes—concurrent jurisdiction.

Admiral RUSSELL. That is right.

Mr. HALEY. You would not be in favor of allowing civil authorities to enter upon a highly secret military installation for the serving of any papers; would you?

Admiral RUSSELL. No, sir; I would not. But they would not have to, to serve their process.

Mr. HALEY. I am glad to find that out.

Mr. SISK. Will the gentleman yield?

Mr. HALEY. I will be glad to yield.

Mr. SISK. For a question right there. The gentleman from Florida made mention a little bit ago of a certain territorial attorney general who was fired by the Governor because he attended a dinner, I believe, given by Jack Hall. How was that attorney general placed in office? Was he appointed? And, if so, by whom was he appointed, Mr. Secretary?

Mr. CHILSON. I beg your pardon. I thought you were addressing that to the admiral.

Mr. SISK. This attorney general that was mentioned about being fired a little while ago.

Mr. CHILSON. Yes.

Mr. SISK. How did he acquire his office? Was he elected or appointed? If appointed, by whom?

Mr. CHILSON. My understanding is he was appointed by the Governor and was removed by the Governor.

Mr. SISK. He was appointed by the Governor. In other words, it was no fault of the Hawaiian people, anything he did; he was an appointee of the Governor. Is that correct?

Mr. CHILSON. Yes; as I understand it he was the Governor's appointee.

Mr. SISK. That is all. I thank the gentleman for yielding.

Mr. HALEY. I might say on behalf of Governor King, who apparently did then do the right thing, when he found out about it, nevertheless I can be a little bit critical of his judgment in appointing a

man who would have those tendencies in the first place. Would you not think that would be a reasonable and fair statement, Mr. Secretary?

Mr. CHILSON. Mr. Congressman, I do not know the background of the appointment. I do not know whether the Governor was aware of those tendencies at the time he appointed him or not.

Mr. HALEY. Do you not think that in appointing a man in a high office like that, if you realized that, he being in a great position of responsibility, you would like to look into his background and find out what his philosophy of government was?

Mr. CHILSON. I would use my best efforts to find out, yes.

Mr. HALEY. We were talking here some time back in the hearings about the strike in 1948.

Mr. CHILSON. In 1949, I believe.

Mr. HALEY. 1949, yes. That was at the time that we were engaged in the war, or the "police action" if you want to call it that, or at least we were building up for a police action in some parts of the world, were we not?

Mr. CHILSON. I do not know what police action you refer to, Mr. Congressman.

Mr. HALEY. Well, if we had the menace throughout that part of the world over there and a strike was called and tied up for all purposes, you might say, the shipping of materiel and so forth to the men we have in mandated islands, and down through there, it would be a serious situation, would it not, to have a strike called at that particular time?

Mr. CHILSON. Yes, if the serious situation cut off the supplies to any of that area, the civilian population.

Mr. HALEY. Let me address this question to the admiral. The admiral said just a little while ago, and he later corrected the statement somewhat, or at least the question was somewhat corrected, that it would be no more serious to have a strike in the port of the city of New York than it would be in Hawaii. That is not quite what you wanted to say, was it, Admiral? If we had a strike in the city of New York, or the port of New York, we would have many other ports that we could ship from; is that correct?

Admiral RUSSELL. Yes, sir. I think he asked me pretty much a hypothetical question. I do not quite really know how to compare one with the other without knowing a lot more about the assumptions.

Mr. HALEY. If a strike was tying up the movement of men and military materiel in a port until it was putting us in jeopardy, if you were in command of the area in this country or a territory or a mandated island, you would relieve that situation very quickly by military methods, would you not, Admiral?

Admiral RUSSELL. I would if I could; yes, sir.

Mr. HALEY. Well, you could, could you not?

Admiral RUSSELL. It has been done.

Mr. HALEY. Yes, it has.

Admiral RUSSELL. And in Hawaii.

Mr. HALEY. It could have been done in Hawaii?

Admiral RUSSELL. It has been done in Hawaii.

Mr. HALEY. Mr. Secretary, what about the strike over there in December of 1954? Do you have anything you would like to say

about that? Have you got any data you would like to present to the committee?

Mr. CHILSON. The only information I have particularly on the 1954 strike is what is contained in the report of the Subcommittee To Investigate the Administration of the Internal Security Act, that is, the Committee on the Judiciary of the Senate. They make reference to the 1949 strike, and, I believe, the 1954 strike, and the demonstration when the committee was there the last time. The reference is just very brief.

There was a 4-day walkout, I think it was, in 1953 during the Korean war. That walkout was the result of the conviction of Jack Hall of violation of the Smith Act, as I understand it.

Mr. HALEY. Let me ask you a question right there, Mr. Secretary. Jack Hall and his fellow travelers had been convicted by a court of competent jurisdiction in the Territory of Hawaii, had they not?

Mr. CHILSON. That is correct.

Mr. HALEY. This was not a strike between management and labor, this was a strike called by the leadership of that longshoremen's union in protest against a finding of fact and a sentence that had been passed on the top echelon of that longshoremen's union. It was a protest against the working of justice under our form of government, was it not?

Mr. CHILSON. That is my understanding; that is correct.

Mr. HALEY. And yet, in view of that and knowing—and the record will indicate time after time that economically the Territory of Hawaii is in the palm of one man's hand, and yet in view of that, and in spite of that, and in spite of the fact that these people 24,000 strong protested a finding of a court of competent jurisdiction, then your Department comes in here and says that you think that would be a fine thing, to give statehood to Hawaii?

Mr. CHILSON. That is correct, Mr. Congressman.

Mr. HALEY. How do you reconcile that with our American way of doing things?

Mr. CHILSON. We reconcile it this way: In the 1949 strike it was the Territorial legislature that passed the act—and as I understand it, unanimously—that employed the people that broke the strike. If a Territorial legislature can handle the situation as it did in 1949, we see no reason why a legislature under statehood could not do the same thing. In other words, we feel that the control of the Communist conspiracy can be as well, if not better, handled with Hawaii as a State as it can be with Hawaii as a Territory.

In going over the recommendations of the Eastland committee report—I checked them very carefully—each recommendation that they made, in my opinion, can be carried out just as fully with Hawaii as a State as it can be with Hawaii as a Territory. Therefore, we feel that the people of Hawaii are economically mature, that they have demonstrated they have the responsibilities which justify granting statehood to that area.

Mr. COLLIER. Will the gentleman yield for one question?

Mr. HALEY. I will be glad to.

Mr. COLLIER. I have reviewed the constitution of the State of Hawaii, particularly section 11, I believe it is, that pertains to the certification of officials. As you know, in my home State, for example, and I believe every other State in the Union, we have a loyalty oath.

How do you think a loyalty oath as part of a proposed constitution for all elected officials, which would include the proposed 25 members of the senate and the 50 or 51 members of the legislature, would affect the general sentiment or attitude—if that were part of the program, if each of the local officials would be required to take a loyalty oath as we do in the State of Illinois, if we run for any public office, before we can serve?

Mr. CHILSON. I did not quite get the question. I understand about the loyalty provisions being in the constitution.

Mr. COLLIER. If there were a loyalty oath to be incorporated in the proposed constitution of the State of Hawaii, in your opinion—and that, of course, is as far as we can go—how do you think that would affect the general sentiment of those now seeking and supporting Hawaiian statehood?

Mr. CHILSON. I take it that the people who are supporting statehood are also supporting this proposed constitution which includes the loyalty oath. I see no objection to it. I think it is a desirable provision, and I take it that the citizens of Hawaii also agree that it is a suitable provision to be included.

Mr. BURNS. Will the gentleman yield?

We have a provision in our State constitution which reads as follows, and I will quote:

No person who advocates or who aids or belongs to any party, organization, association which advocates the overthrow by force or violence of the government of this State or of the United States shall be qualified to hold any public office or employment.

That is article 14, section 3, of the Hawaii State constitution as adopted by the people of Hawaii. It is stronger than an oath.

Mr. COLLIER. Then that would be included when it became a State?

Mr. BURNS. Yes.

Mr. PILLION. Will the gentleman yield?

Mr. HALLEY. Briefly.

Mr. PILLION. In your opinion, Mr. Secretary, do you believe that any Communist or any person who is identified closely with communistic groups would have any respect for a loyalty oath, or an oath to uphold the Constitution? Do you think that has any meaning to these persons?

Mr. CHILSON. To a Communist?

Mr. PILLION. Yes.

Mr. CHILSON. I do not, no.

Mr. PILLION. Does it have any meaning to a person who is not a Communist member, but who is a front for the Communist group, people whom we call fellow travelers, for instance, who knowingly front for Communist causes? Do you think a person of that type would have any respect for a loyalty oath or an oath to uphold our Constitution?

Mr. CHILSON. I do not know. I do not know enough about fellow travelers.

Mr. PILLION. But look at the record of the large number of persons of that type who have been in Government, who have signed loyalty oaths and who have been ferreted out as being part of the communistic apparatus regardless of whether they are or are not party members.

Mr. CHILSON. Well, of course, I am firmly convinced that a Communist, as such, has no regard for the truth. He has only one idea: It is to get an end by any means by which it can be gotten.

Mr. SAYLOR. Now will the gentleman from Florida yield to me?

Mr. HALEY. I will be glad to yield to the gentleman.

Mr. SAYLOR. Now the witnesses can relax. I am not going to talk about you at all, or ask any questions, because I have a statement to make with regard to some things that occurred in this committee last week, and I think it is about time we get the record straight.

On Wednesday of last week, following the full committee meeting, this committee, following notice, met to mark up a bill on Alaskan statehood.

Now at that time, as I read in the press, they accused the Republican Party of walking out and boycotting the meeting, stopping any legislation.

Now anybody that has read the rules of this House—and the members of the press have been here when the rules of the committee were adopted—they will see that rule 4 says:

A majority of the voting members of the committee shall constitute a quorum for the purpose of transacting committee business.

That is all that is necessary. There is absolutely nothing in the House rules that says any member of the minority party has to be here at all.

I was unavoidably detained. I had made a commitment, together with the chairman, Mr. Engle, to speak at a meeting downtown.

Mr. HALEY. Will the gentleman yield to me right there?

Mr. SAYLOR. Yes.

Mr. HALEY. I would like to say to the gentleman from Pennsylvania that I called the attention of the committee and the chairman to the fact that the gentleman was engaged downtown in a very important meeting, and was coming along as soon as he could get up here, and the gentleman wanted to participate in some of the deliberations of the committee at that time. I was merely trying to protect the gentleman from Pennsylvania who, I know, attends these hearings very diligently and is normally here at all times.

Mr. SAYLOR. I appreciate that, because I noticed in the record that I read wherein the gentleman from Florida had commented about my being unavoidably detained.

I just want to say this: If we expect to get statehood for either Hawaii or Alaska, it is about time that the members of this committee realize you are going to have to have bipartisan support.

Now, if you want this a political issue, you are never going to get statehood for either one of these Territories.

Now I just checked the record, and it is very interesting to me to notice that the gentleman from New York who made the motion, Mr. Powell, has never attended a meeting of the subcommittee throughout the entire hearings, and yet he came here and made a motion to discharge this subcommittee when they were ready to mark up the bill.

Now the gentleman from New York, Mr. O'Brien, has done an excellent job. He has been fair. He has tried to allow both the opponents and the proponents plenty of time to be heard. These are probably the fullest hearings we have ever had. Then to read in the press that they say this is a Republican boycott to me is absolutely false.

There has been no stronger advocate of statehood in the House of Representatives since I have been here than myself. Outside of the chairman, the ranking Republican member and the gentleman from Colorado, who came here with me, Mr. Aspinall, no others on the committee outrank me, and I have supported statehood for both of these Territories, because I think it is incumbent upon the United States to give it to them.

Because, after all, we who genuinely want statehood realize it is necessary to have bipartisan support. Many of us who were here remember the 83d Congress when the present Speaker of the House of Representatives was the minority leader, and the first majority piece of legislation reported out by this committee was a bill for Hawaiian statehood. It was brought upon the floor of the House, and the present Speaker pleaded with the Members to recommit the bill, recommit the bill to this committee, so they could bring out both Hawaii and Alaska in one bill. For what purpose? Read the Record. As he stated, so you could defeat both of them.

Now, I believe in Hawaiian statehood, I believe in Alaskan statehood, because I believe both groups have done a yeoman's job and both groups are entitled to it. There are Members on the Democratic side who are opposed to statehood for both, and there are Members on the Republican side who are opposed to statehood for both.

Now, the President stated in the bill for Alaskan statehood that there are certain matters which he feels are of extreme importance as far as defense is concerned. He asked that this committee consider the right to be given to the Department of Defense to reserve certain territory there for military use; that that matter should be carefully considered by this committee.

Those who are interested in the welfare of the United States do not bother with party politics in this matter. It is a matter of the security of these United States.

Remember, before you can be a Democrat or a Republican or anything else you have got to be an American citizen.

If you want to have statehood, then you had better quit playing cheap party politics. No one party is going to get the benefit of this, and I do not care, once they are admitted as States, what their political affiliations are. I want them to be American citizens, entitled to the same rights and privileges as I have.

If this committee wants to discharge the bill and send it to the floor with the hope of being involved in a hopeless mass of political intrigue that gets onto the floor of the House, then go ahead with the procedure that they tried last week.

That is all I have to say.

Mr. O'BRIEN. Will the gentleman yield?

Mr. HALEY. Yes.

Mr. O'BRIEN. I may say that the gentleman from Pennsylvania has never, to my knowledge, played politics with this question of statehood. I could mention many other occasions when he could have played politics, and did not, on other matters of high importance to the Nation.

I regret the episode of last Wednesday. I particularly regret the statement made by the Chair that the situation had been aggravated by the row of empty chairs to my right. The situation was aggra-

vated, not by the row of empty chairs to my right or to my left, but by a combination of both.

I think what the gentleman has said is important to all of the members of this committee. If there is partisanship here on statehood, it is a partisanship of ideas. It has been obvious during the hearing that the opposition and the support does not come from a single side, and I think that what the gentleman from Pennsylvania has said stands in the same category of being above partisanship as the statement recently by the distinguished Secretary of the Interior, who said:

I haven't the slightest concern as to whom or which political party get the credit for Hawaiian or Alaskan statehood. Simple justice demands that each be admitted to the Union. Republicans or Democrats, the people of these Territories are Americans, and I know of nothing in the Constitution of the United States which gives preference to one political party or the other, or, more important, sets up political party affiliation as a test of fitness for statehood.

I think that what Mr. Seaton has said and what the gentleman from Pennsylvania has said are matters which deserve commendation.

There has been no partisanship on this committee. We have clashed, but I think we have clashed because we have been overzealous in support or opposition to the bill.

The distinguished gentleman from New York is one of my oldest friends; we go way back, back to the New York State Legislature. Yet he and I have quarreled rather sharply here over certain issues on statehood. It is not because he is a Republican and I am a Democrat, because I am very sure if he were a Democrat he would take the same position, and if I were a Republican I would take the same position that I am taking.

My only concern—perhaps to clear up to some extent last Wednesday—is that we could go on here indefinitely. We might have hearings into July or August.

I will say this in conclusion: That if the gentleman from Florida had not made the point of order on the motion to discharge this Alaska bill, unamended, the Chair would have made it. There was never any thought, I am sure, on the part of the Chair or any sizable segment of this committee to report out a raw bill which had not been written up by the committee.

I am glad that the gentleman from Pennsylvania has raised this point. I think he has done a great deal to clarify the atmosphere. I think that he has notified the people who are here from Hawaii, as well as the people of the United States that when the decision of this committee is made ultimately it will not be a decision based upon politics. I have seen no evidence of a party stand here for or against statehood for either Alaska or Hawaii. Again I commend the gentleman from Pennsylvania.

Mr. SISK. Mr. Chairman, I make a point of order the House is in session.

Mr. HALEY. Would the gentleman withhold it just one moment?

Mr. SISK. I will withhold the point of order.

Mr. HALEY. Mr. Chairman, I have not finished my questions of these two witnesses. Of course, the rest of the committee has not had an opportunity to question at all.

I would like to have the opportunity to further question the gentlemen when the committee reconvenes, I believe, tomorrow at 10 o'clock. Is that correct?

Mr. O'BRIEN. That is correct.

Mr. HALEY. So I would like to reserve the balance of my time, if the Chair would recognize me when the committee convenes tomorrow.

Mr. PILLION. Will the gentlemen further reserve his point of order?

Mr. SISK. Yes.

Mr. PILLION. Mr. Chairman, at this time, this being the first day of the hearings, I would like to request from the chairman some time for witnesses that may be called by the opponents to statehood for Hawaii. I, of course, cannot tell the chairman when that may be. It will depend somewhat upon the amount of witnesses on the part of the proponents and what they may testify to. But I would like to ask the chairman to reserve somewhat near equal time for the opponents, so they may be permitted to testify, or for witnesses called by those members who are in opposition to statehood.

Mr. O'BRIEN. May the Chair say that any witness in opposition will have an opportunity to be heard. As for equal time, that might be a bit difficult if there was only one witness, or a witness who had no particular information.

On the other hand, I would appreciate it very much if the gentleman from New York would let me know as quickly as possible, because we have known for many, many weeks the hearings were to start today. And knowing the diligence of the gentleman from New York, I am sure that any opposition witnesses who might be available have been approached by him, or at least considered by him previously.

So I do not think that granting the request of the gentleman from New York would delay the hearings for weeks or months. So if the gentleman would, as expeditiously as possible, furnish the counsel the list of his proposed witnesses, certainly there would be a disposition to give everyone a chance.

I might add at this point: Are there any people in the room today who desire to testify in opposition to statehood for Hawaii?

(No response.)

Mr. COLLIER. Mr. Chairman. I wonder if the gentleman will withhold his point of order for just one statement.

Mr. SISK. Yes.

Mr. COLLIER. First of all, I want to commend my colleague from Pennsylvania for a very clear and honest approach to this problem.

Secondly, for the purpose of the record, I feel that I should have it known that I am not boycotting, or ever will, anything that is basically American.

I might say that I believe at this point in these hearings many of these problems that are discussed are for the purpose not only of gaining knowledge, but likewise that perhaps statehood can help us cure some of these problems that exist; and that we are here only to hear and certainly not to boycott anything that I believe must come, and which is in keeping with those things that we as Americans all stand for.

Mr. O'BRIEN. I am sure the gentleman is correct, and I do not think there has been a boycott.

I might say, frankly, our big trouble is we have too large a subcommittee, and sometimes it is very difficult to get a majority of a large number of Members of Congress, especially when they have other duties to perform.

Will you gentlemen be able to return tomorrow?

Mr. ABBOTT. Mr. Chairman, if I may. Could we ask the Department of Defense witnesses to give us a brief memorandum on the procedure by which defensive areas, and, I believe, air-warning areas are created?

I believe, Admiral Russell, you stated that the procedure under international law is unaffected by the legislation. Is that correct?

Admiral RUSSELL. That is correct.

Mr. ABBOTT. And we had some testimony last year. My thought is, Mr. Chairman, we should again in our transcript have statements on those particular points.

Admiral RUSSELL. I will be glad to.

Mr. O'BRIEN. Will you gentlemen be able to return?

Admiral RUSSELL. Yes, sir.

Mr. CHILSON. Yes.

Mr. O'BRIEN. Then the hearing will be in recess until 10 o'clock tomorrow morning.

(Whereupon at 12:10 p. m., the subcommittee adjourned, to reconvene at 10 a. m., Tuesday, April 9, 1957.)



STATEHOOD FOR HAWAII

TUESDAY, APRIL 9, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TERRITORIAL AND INSULAR AFFAIRS
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10:10 a. m., in the committee room, New House Office Building, Hon. Leo W. O'Brien (chairman of the subcommittee) presiding.

Mr. O'BRIEN. The Subcommittee on Territorial and Insular Affairs will be in order.

The two distinguished gentlemen who were here yesterday and agreed to come back this morning have been gracious enough to go along with a suggestion from the committee that they come back at a later date so we may accommodate two members of the Hawaiian Legislature who have to return because the legislature is in session. But I understand that before departing Mr. Hatfield Chilson, the Under Secretary of the Interior, would like to make a correction of the record.

STATEMENTS OF HON. HATFIELD CHILSON, UNDER SECRETARY OF THE INTERIOR, AND ADM. GEORGE L. RUSSELL, DEPUTY CHIEF OF NAVAL OPERATIONS, DEPARTMENT OF DEFENSE— Resumed

Mr. CHILSON. Yes, Mr. Chairman. I believe that I stated yesterday the Stevedoring Act passed by the Territorial legislature was passed unanimously. I find I am in error in that. There was one dissenting vote in the senate. Then in the house there were several measures considered, and there were from 3 to 6 adverse votes in the house.

Mr. O'BRIEN. Thank you very much.

Mr. HALEY. Mr. Chairman?

Mr. O'BRIEN. Mr. Haley.

Mr. HALEY. The vote you speak about in the house was on various attempts to amend or clarify the bill, was it not?

Mr. CHILSON. Mr. Congressman, I am not sure. I took this information that I am giving you from a statement made by Governor King, in which he said that in the house there were several measures being considered pertaining to this stevedoring matter, and that on some of them there were 3 dissenting votes, and on others there were as many as 6 dissenting votes.

Mr. HALEY. Thank you.

Mr. O'BRIEN. Admiral Russell, I understood that the request was made yesterday by the counsel for some information, which I under-

stand you have with you but which you believe might not be pertinent to this particular hearing.

Admiral RUSSELL. I have the statement which was to cover the question of procedure in establishing defensive sea areas and airspace reservations, and also maritime-control areas. I will turn that in now or later, as the committee wishes.

Mr. O'BRIEN. May I suggest, Admiral, that you just turn it in and then the committee can decide whether it is germane to the record, if that is agreeable to you.

Admiral RUSSELL. All right, sir.

Mr. O'BRIEN. Thank you, gentlemen, for coming here this morning, and also for waiving to the gentlemen who have to return to Hawaii. The committee is very grateful to you both.

Before proceeding with the witnesses, I would like to state that the chairman of the full committee, the Honorable Clair Engle, has received a letter from the Department of Justice signed by William P. Rogers, Deputy Attorney General, in response to Mr. Engle's request for the views of the Department of Justice concerning the bill H. R. 49, to provide for the admission of the State of Hawaii into the Union.

The report is favorable. It states:

The Department of Justice favors the enactment of legislation to grant statehood to Hawaii as recommended by the President in his budget message for the fiscal year ending June 30, 1958.

The report then comments on certain features of the legislation.

Now the Chair would like to point out, from a cursory reading of the letter, that the Department of Justice does not go into the question of internal security, a subject which was mentioned in another communication from the Department to the Senate Committee on Interior and Insular Affairs.

The request was made here yesterday that the Department of Justice be requested to send a witness here for discussion of internal security in Hawaii, and that the witness be subject to questioning by members of the committee. Rather late yesterday I talked with the Department of Justice, and the position taken by the Department was this: That there are a number of matters under investigation or under prosecution by the Department of Justice in Hawaii; some of those cases are in the investigation state, some are in the appeals state.

The Chair was convinced that the position of the Department was fair; that it might be placed in the position here of trying its cases or revealing the progress of its investigations. So the Chair feels that the submission of the report is sufficient, as far as the Department of Justice is concerned.

The committee, of course, may have contrary views, but it does seem to me that all of the matters about which the Department might be questioned can be handled through the questioning of other witnesses.

Mr. HALEY. Mr. Chairman?

Mr. O'BRIEN. Mr. Haley.

Mr. HALEY. I want to ask: Was a similar request made by the Senate committee, and was a response made to their request?

Mr. O'BRIEN. As I understand it, the Senate committee did make such a request, and in that instance, too, the Department of Justice said that it was unavailable for public questioning before the committee. Now the Department did add this: That, if any members have

specific questions which might be raised during this hearing, they can be addressed to the Department, and the questions will be answered, if it can be done properly and without disclosing evidence for trying the appeal in this particular case.

Mr. HALEY. I see no reason why the Department of Justice or any other department of this Government should not respond to a request of a committee of the Congress. It is very true—and I would not want to probe into anything that they might think would try the case, so to speak, here in the Congress. But I still do not believe that any department should be allowed to say that they are not going to come here and respond to a request by a committee of the Congress.

I might also say that I certainly realize there might be some questions that could be embarrassing.

I think they could state the reason they did not want to answer the question, and, if the committee felt they should not go into it, that would be all right. I certainly would not, if they did not feel they should answer it.

However, I do not like the attitude of them saying that they are going to make up their mind what they want to disclose to the committees of the Congress.

I would like to have them come here and give us the benefit of information that we might think is pertinent to this or any other question that is proper before a committee of the House.

Mr. O'BRIEN. May I say to the gentleman that perhaps the Chair was not as clear as he might have been. The attitude of the Department was certainly most courteous. It was not any attitude of being above and beyond a congressional committee. They explained that the same situation arose on the Senate side, and that Senator Jackson understood their position. I think what they are afraid of, if I may say to the gentleman from Florida, is this—

Mr. HALEY. The gentleman may go off the record if he wishes to, as far as I am concerned.

Mr. O'BRIEN. I think this would be all right on the record, because it is an important point. But a witness coming here might be questioned about the extent of communism, we will say, in Hawaii, and then a member of the committee might ask a question which would be answered off the cuff, and which might affect materially, even though it was a statement to a congressional committee, a pending case or an appeal.

I think we can get from the Department of Justice, through specific questions which will not interfere with their cases, their attitude toward these broad general questions of internal security in Hawaii.

Mr. PILLION. Mr. Chairman?

Mr. O'BRIEN. Mr. Pillion.

Mr. PILLION. I would like to endorse everything the gentleman from Florida has said on the question of the appearance before this committee of members of the various departments of our Government. I would also like to have the record show that our action here today in not insisting upon the appearance before this committee of the Attorney General or any person under him in the Department of Justice is not a waiver of the right of this Congress and this committee to summon and to require, if necessary, the appearance of any of these gentlemen before this committee upon matters over which this com-

mittee has legislative jurisdiction. I think it would be a very sorry state of affairs to have the department heads or their subordinates determine when and if they shall appear before a congressional committee upon any subject.

I believe that this committee, and every committee of the Congress, has been most lenient, most understanding of the departments when a question of security or confidential or classified information is concerned, and no member of this committee would wish to examine these people upon matters that they considered to be classified.

Mr. HALEY. Will the gentleman yield at that point?

Mr. PILLION. Surely.

Mr. HALEY. Mr. Chairman, in the communication of March 28, 1957, did not this same agency respond to some questions in regard to internal security?

Mr. O'BRIEN. Yes; that is true; and the Department is still willing to answer any specific questions regarding internal security.

The fear of the Department—and a fear I believe to be justified—is that a witness here in an off-the-cuff response to a question from a member of the committee might make a statement which would prejudice an existing case, either in the investigation stage or in the appeals stage. I think that particularly those who are lawyers of this committee should understand that such a statement could be fatal to a Department case.

There is no attitude—at least none that I could discover—on the part of the Department of Justice to flout this committee or to deny this committee information. The Department is taking the position, as I see it, to protect what it is doing in the interests of the public as a whole.

Now we might disagree, but nevertheless I think that their position is reasonable and not intended to in any way to be discourteous. That was not my impression.

Mr. PILLION. To arrive at another aspect of this matter, Mr. Chairman: We have before us communications, drawn very carefully, very legalistically, from the Department of Justice, arriving at various conclusions which that Department wishes to impress upon this committee, and yet the members of this committee have no means by which they can examine the facts upon which these conclusions are based to determine whether the facts are correct, or whether the conclusions may or may not be incorrect. So we have the very unfortunate situation where communications come to us, they are accepted as the gospel because we have no means by which we can determine the truth of these documents or the validity of these conclusions.

It makes it very difficult for members of this committee to examine and to go into the matters which are sent to us in the form of communications. It is just like permitting a witness to get on a stand and make his allegations, based upon merely his own conclusions and his own thinking, and then walk off the stand, without any right of cross-examination. That is the exact situation that we are faced with here today.

In addition to that, Mr. Chairman, we have the case of the seven gentlemen and one woman, I believe, who were convicted of violation of the Smith Act in June 1953. Those cases have been pending since June 1953. Just the appeal of them has been pending since that

time. The case, of course, took some time before the conclusion with the verdict of the jury of a finding of guilty. Now those cases are still pending before the circuit court of appeals in San Francisco, a period of 3½ years. I would certainly like to question the Department of Justice about the numerous continuances that have been agreed upon and the failure of the Department of Justice, after inquiry by myself and by other Members of the Congress, as to why there has been such a breakdown in the carrying out of justice as to permit a case of that importance, a case that has so much public importance and public appeal—why that case has been permitted to continue for 3½ years without a hearing and a conclusion by the circuit court of appeals. I certainly think that is a valid field of questioning by this committee of the Department of Justice.

Now, of course, we are foreclosed from that because they will not come here. They say that it is a matter of classified information, I presume; that someone's rights will be hurt. Well, the rights of 160 million people are at stake here as to why there is such a gross, palpable miscarriage and breakdown of justice.

Mr. DAWSON. Will the gentleman yield?

Mr. PILLION. Yes.

Mr. DAWSON. Does the gentleman contend that the delay, if there is a delay on the part of the Department of Justice in prosecuting that case has anything to do with the question of statehood for Hawaii?

Mr. PILLION. Oh, yes. I think it is all a part of a conspiracy running all through our whole Government, including the Territory of Hawaii. It is not only Hawaii that has communistic influences, the whole country has it. It is just that Hawaii has a little bit more per population.

Mr. DAWSON. I can understand the gentleman's concern as far as subversive activities on the islands itself. But where the case is in the court and you get into a question as to whether they have been diligently prosecuting or not, that is a matter primarily in the courts and the Department of Justice.

Mr. PILLION. We are all interested, I think, in seeing that the Communist conspiracy in Hawaii is broken up and that the union there, perhaps, is broken up and perhaps another one substituted to give those people bargaining rights under a different leadership. This case, of course, is the very heart of that communistic conspiracy.

Mr. DAWSON. Will the gentleman yield?

Mr. PILLION. Surely.

Mr. DAWSON. I would like to see the gentleman have the rights that he is entitled to to get into the merits of this question of subversive activities in the islands itself, if it could be done in such a way that it would not interfere, as the chairman says, with the progress of justice, on cases actually pending. I am wondering if we could not have the witnesses here with the understanding that we would not press questions which would involve cases that are actually in court, or which were pending, limiting the interrogation to the general question of subversion rather than getting down to specific cases.

Mr. PILLION. Will the gentleman yield?

Mr. DAWSON. Yes.

Mr. PILLION. I have never known where, if a witness wanted to claim immunity or wished to not answer questions, that was not respected by the members of this committee on any ground that might

be anywhere near reasonable. There is no desire on the part, I think, of anyone here to injure anyone's legal rights or impair them in any way. It is just a matter of seeing, however, that justice is done.

Mr. HALEY. Will the gentleman yield?

Mr. PILLION. Surely.

Mr. HALEY. In response to the question of the gentleman from Utah, I think I made it very plain, in questioning a witness before the committee, that I am sure no member of the committee would press beyond the point when a witness would say that the answering of that question would in any way interfere with the Department's prosecution or proper handling of it. I certainly would not myself. But the gentleman must realize that here we have in the files at the moment a 5-, 6-, or 7-page statement of the Director of the FBI, Mr. Hoover himself, where he made certain statements, and I think that the committee would be entitled to go into those questions, or to go into that statement that he apparently released to one of the news media of the country where everybody has read it. There are things in there that we think we would like to go into. I think we have a perfect right to ask questions with regard to that: How did he arrive at this? why? and so forth.

I would say to the gentleman, also, I think the gentleman from New York has made a very good point. Here are 6 or 7 men who have been convicted of a conspiracy against this Government, and the carrying out of that decree of the court down there has been delayed, and I think it is a proper thing that any committee of the Congress should go into. These men are not men who are just charged with something; these men are men who have been convicted. The decision of the court of appeals out there has been pending for 3½ years. In the meantime, what is happening to these 7 men, or 6 men? Are they continuing their activities? If so, why has not something been done?

Mr. PILLION. Will the gentleman yield?

Mr. HALEY. The gentleman has the time. If he will yield just a moment further.

I was going to suggest to the chairman and to the committee, inasmuch as we have these two gentlemen who are members of the Territorial legislature out there and, I understand, they want to get back so they will be present for the deliberations of the house in Hawaii tomorrow, probably we should pass this matter over for the present.

Mr. PILLION. I agree.

Mr. HALEY. And hear the distinguished gentlemen, and let them be on their way, and wish them Godspeed.

Mr. O'BRIEN. The suggestion of the gentleman from Florida is a very fine suggestion. I do think perhaps we will want to go into this other matter further. But may I suggest, before I leave it, that the gentleman from New York or the gentleman from Florida, or any other member of the committee who has any questions which he believes are pertinent to be addressed to the Department of Justice, that he prepare those questions. We will then submit them to the Department of Justice and see where we go from there.

Except, I do want to say that the Chair cannot accept the suggestion, faint as it may be, that this conspiracy reaches into the Department of Justice and the officers of our Federal courts, and that this is the cause of the delay in the Hawaiian case.

Mr. BUENA. Will the gentleman yield?

Mr. O'BRIEN. Yes.

Mr. BURNS. I would like to have the record show that the people of Hawaii have a great deal of concern in this, would like to see the matter expedited and a decision arrived at, too.

Mr. PILLION. Thank you.

Mr. BURNS. Thank you, Mr. Chairman.

Mr. O'BRIEN. We have this morning several witnesses who must get away.

Governor King has prepared a statement to be presented at his request by William Quinn, who is a member of the Hawaii Statehood Commission.

Mr. Quinn.

STATEMENT OF SAMUEL WILDER KING, GOVERNOR OF HAWAII, AS READ BY WILLIAM F. QUINN, MEMBER, HAWAII STATEHOOD COMMISSION

Mr. QUINN (reading):

Mr. Chairman and members of the committee, as Governor of Hawaii, I welcome the opportunity to speak on behalf of legislation for the admission of Hawaii into the Union as a State.

The question of Hawaiian statehood has been the subject of numerous investigations by congressional committee and is a matter that has been before the American public for many years.

In 1935 the House Committee on Territories at my request designated a special subcommittee to proceed to Hawaii for an investigation into the question of statehood, the first time this was done.

Previous congressional committees that visited Hawaii had general objectives, but the 1935 committee was specifically charged with holding hearings and making investigations on the ground as to the fitness of Hawaii for statehood.

In 1937 a joint Senate and House committee, of which I was a member, made a similar investigation in Hawaii. Since then many other committees have made statehood investigations.

The subject therefore has been thoroughly discussed during the past 20 years, and the arguments pro and con fully aired before many congressional hearings, both here and in Hawaii.

Of the several arguments raised against granting statehood to Hawaii, the one that appears to have received the most attention in recent years is the extent of communism in Hawaii.

The recent investigation held on the subject in Hawaii by the Senate Subcommittee on Internal Security may arouse some doubt in the minds of Congress whether Hawaii can safely be admitted into the Union as a State.

The matter is particularly pertinent because of the strategic importance of the islands to the national defense.

I am very conscious of the vital necessity for Hawaii to meet its obligations in this respect.

Large units of our Armed Forces are stationed in Hawaii, and the question of internal security is ever present in our minds.

I am myself a former naval officer, retired with the rank of captain, United States Naval Reserve, after a total of 27 years service in the Regular Navy and in the Reserve force.

If I believed that the Communist influence in Hawaii constituted a real danger to our country, I would not be advocating statehood.

I am convinced that the extent of Communist influence in the islands today does not constitute a justifiable argument against admitting Hawaii as a State.

The people of Hawaii are intensely loyal and patriotic.

The charge that a community of this character would tolerate Communist domination shows a lack of faith in the power of our American democracy and is utterly groundless.

The people of Hawaii have lived in close association with all branches of the armed services of the United States for a long period of time. In the case of the

Navy this association goes back to the early days of the Kingdom of Hawaii, over 100 years ago.

There are over 60,000 veterans in Hawaii, comprising about 1 in 6 of our entire adult population, male and female. There is hardly a family in the entire Territory that has not had a father, brother, or son in our country's armed service, and hundreds of families have lost near relatives in World War II and in the Korean conflict.

Our veterans' organizations, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and others, are active and influential in civic and public affairs.

Our ROTC units are popular with our youth, and always filled to the limits allowed. Our National Guard and National Air Guard with over 5,500 men enrolled have been officially recognized as among the outstanding units of the Nation.

It is worthy of note that although there was a large number of men from Hawaii in the forces that fought in Korea and a disproportionately large number of casualties and prisoners among them, no man from Hawaii was among the 21 who turned their backs on the United States to adopt communism.

The focus of Communist activities in Hawaii is the International Longshoremen and Warehousemen's Union with headquarters in San Francisco, and the United Public Workers. We have learned that the effective leaders of the ILWU are Communists or Communist sympathizers, beginning with its head, Harry Bridges of California, and his appointed regional director in Hawaii, John Wayne Hall, originally of Wisconsin. After many years of effort, the United States Government has not succeeded in restraining the activities of Bridges, and Hall is still free to represent his union in collective bargaining under Federal law despite his conviction of a violation of the Smith Act in 1953.

The ILWU is still strong on the west coast, where it was first formed, although its Communist domination has been exposed and although it was expelled from the CIO in 1951 as a Communist-dominated union.

However, the rank and file of members of the ILWU and the UPW would never follow their leadership in any issue that was against the national security.

We have very nearly 200,000 persons in the labor force in the Territory. The ILWU and the UPW membership together total approximately 25,000 persons.

The overwhelming majority are loyal to the United States, and there are identified Communist and Communist sympathizers in Hawaii not openly connected with the ILWU or the UPW.

We must also bear in mind that the ILWU is a labor union which has qualified under the provisions of the National Labor Relations Act. Not all of its activities can be dismissed as solely of significance in the Communist movement, and we should not fall into the error of opposing a worthy objective because some Communist has expressed approval of it. The Communist technique of endorsing worthy causes which are likely to be achieved and popular candidates who are likely to be elected is now familiar to everyone.

The usual argument advanced against statehood from the fact of the existence of the ILWU in our midst is that this union controls or can control the economic and political life of Hawaii and would or could therefore turn Hawaii into a Communist dominated State. The waterfront strike of 1949 and its aftermath, which is generally pointed to as evidence of this argument, in fact proves just the opposite.

On May 1, 1949, the ILWU stevedores went on strike after the long attempt at collective bargaining had failed to result in a contract between the ILWU and the local stevedoring companies as to wages and conditions of employment on the waterfront in Hawaii. The commercial ports of Hawaii were effectively sealed. Dependent as we are on seaborne commerce for our existence, the people of Hawaii faced a very serious situation and ultimately there was a very substantial loss to the entire community. Many small businesses were forced into liquidation. Feelings ran high. The strike lasted until October 25, 1949, when the parties directly involved finally reached an agreement with the help of the Federal Conciliation Service of the United States Department of Labor.

The Governor at that time, Ingram Stainback, appointed a factfinding committee. The recommendations of the factfinding committee were accepted by the employers and rejected by the union. Thereafter public opinion steadily turned against the union. The final settlement was practically on the basis recommended by the factfinding committee.

As the strike continued, an effort was made to invoke the injunctive procedures of the Taft-Hartley Act. President Truman did not believe that the situation in Hawaii was covered by this act.

An attempt was made to enact special legislation of a national character to meet this problem. Hearings were held before the United States Senate Committee on Labor, but no appropriate legislation could be agreed upon.

In July 1949 at the request of the holdover committee of our local legislature, Governor Stainback called a special session of the Hawaiian Legislature. The legislature first urged the employers and the union to reach an agreement. When this failed, it passed a series of acts designed to place the Territorial government in the stevedoring business and to prevent future prolonged waterfront tie-ups. These acts were vigorously opposed by the ILWU leadership.

The employers involved also objected to what they called "government interference." Yet in the senate there was only 1 dissenting vote on 1 of these acts out of 15 members, 20 Republicans and 10 Democrats.

These laws were put into effect immediately and resulted in substantial relief to the public.

After this special session it was predicted by some that those legislators who had voted for these acts would be defeated by the ILWU at the next election. The results of subsequent elections did not bear out this prediction. All of those who had taken the lead in the passage of the acts mentioned, both Republicans and Democrats and on all islands were reelected and have since been successful in their political careers.

In 1950 many of these same legislators and others who had taken a lead in opposing the ILWU position in the stevedoring strike were elected to a State constitutional convention. ILWU supported candidates who sought election in this convention were mostly unsuccessful. Only two ILWU officials were elected. One refused to testify before the House Committee on Un-American Activities which held hearings in Hawaii during the session of the constitutional convention. He was expelled by the convention for this refusal, the other ILWU official being on the committee that unanimously recommended his expulsion.

At the 1950 general elections the constitution framed by this convention was ratified by the people by a vote of more than 3 to 1 although the ILWU opposed the ratification.

The attention given to the ILWU must not blind us to the fact that we also have a strong AFL-CIO organization in Hawaii which claims 12,000 to 15,000 members and which is vigorously anti-Communist. There are also several independent unions, one of which was formed by a group who left the ILWU because of the ILWU leadership's Communist bent.

The people of Hawaii have done as much as if not more than any other community to expose and combat communism.

In 1941 the Territorial legislature enacted a law requiring a loyalty oath of all government officers and employees. The law was amended to conform to decisions by the United States Supreme Court as to the permissible scope and effect of such laws and is a permanent part of our statutory law today.

With regard to government employees, the case of John E. Reinecke in 1948 highlighted the desirability for a loyalty program.

Reinecke was a teacher in the public school system in Hawaii. Upon information being made available that he was a Communist, he was dismissed for failure to possess the ideals of democracy as required of teachers after an extended hearing before the Territorial commissioners of public instruction.

Because of the difficulty in obtaining usable information from Federal sources, the legislature in 1949 established the Hawaiian Subversive Activities Commission with investigatory powers.

This commission continuously investigated all forms of subversive activity and was instrumental in advising pertinent authorities of the planned entry of known Communists or Communist sympathizers from the mainland.

On October 4, 1949, the legislature formally petitioned the House Committee on Un-American Activities to hold hearings in Hawaii. This was done in April of 1950, at which time an excellent job of exposing Communist personalities was accomplished. Of the witnesses subpoenaed by the committee, 39 refused to testify. One was at the time a delegate to the constitutional convention and as previously stated he was expelled from the convention for his refusal.

Another delegate to this convention testified as a friendly witness that he had been a member of the Communist Party, but had severed his connections with the Communist Party when he learned that it was not simply a labor party but was an organization inimical to the United States. After his testimony he voluntarily resigned from the convention to save his fellow delegate embarrassment.

The convention adopted as a proposed part of the constitution for the State of Hawaii, ratified by the people later that year, a provision that reads:

"No person who advocates, or who aids or belongs to any party, organization, or association which advocates, the overthrow by force or violence of the Government of this State or of the United States shall be qualified to hold any public office or employment."

Such a provision is unique in the United States.

In 1951 the legislature created a Territorial loyalty board with authority to prescribe a personal history statement for all government officers and employees and to hear cases involving the loyalty of any such person. To date the Board has not had a single case requiring a loyalty hearing.

In June of 1953, seven persons including John Wayne Hall were convicted by an Hawaiian jury of violating the Smith Act. All defendants have been on bail ever since their conviction.

Aside from legislative, judicial, and executive action, there have been numerous spontaneous expressions of disapproval of communism by the people of Hawaii. In 1949 the Hawaii Residents' Association, popularly known as IMUA, was formed to educate the public to the Communist menace, expose Communist personalities, and teach Americanism. This voluntary eleemosynary association has grown in strength over the years. It is now well financed, has a large membership, publishes a monthly newspaper, and produces a radio program which is heard nightly except for weekends.

The Hawaii Bar Association adopted a resolution along the lines proposed by the American Bar Association declaring that membership in the Communist Party was inconsistent with the duties and responsibilities of a licensed attorney and grounds for expulsion from the association. The Supreme Court of Hawaii requires an affidavit of all applicants for admission to the bar of Hawaii relating to the loyalty of the applicants. Failure to satisfy the Supreme Court in this regard is grounds for denial of admission or for disbarment thereafter.

In 1950 at the local Democratic Party convention, a few of the reluctant 39 appeared on the floor as precinct delegates. A considerable number of the delegates to the convention was incensed at the appearance of these people and staged a walkout which precipitated a strong drive to purge these individuals from the Democratic Party. In the 1952 local Democratic Party convention, the anti-Communists controlled the convention. The responsible leaders of our local Democratic Party have continued since then to guard against the infiltration of the Democratic Party leadership and have succeeded in preventing any further inroads into their ranks. The local Democratic Party even has a loyalty program of its own for this purpose.

The best estimate of the Communist movement in Hawaii is that it reached the peak of its strength in 1946-47 and has subsequently continuously lost ground until today it is not an effective force in the community. The exposure of the meaning of communism and the identification of Communist personalities have had their effect in Hawaii as in the rest of the United States in bringing this alien philosophy and its exponents into disfavor.

Candidates supported by the ILWU and the UPW have frequently been defeated at the polls.

Of course, many such candidates have won, perhaps because of their individual qualifications and their support of labor-sponsored measures, rather than their subservience to Communist direction.

It is also true that candidates who have expressed strong disapproval of some of the actions of these unions have been elected with substantial majorities. It should also be noted that candidates have sometimes been endorsed by these unions, when it was obvious that these candidates would win in any case.

The same comment applies to political issues. Measures supported by the ILWU and the UPW have often failed. Measures vigorously opposed by these unions have often been approved by the public and the legislature. The difficulty has been to differentiate between what are purely labor aspirations and what measures fall into the pattern of the international Communist conspiracy.

Like most good Americans, the people of Hawaii are perhaps a little ahead of their officials in a proper appreciation of the Communist menace.

While the members of the two unions still follow their leaders on economic issues, the people of Hawaii as a whole would not hesitate to defeat any effort by Communists to carry their influence beyond the legitimate field of labor relations.

The future of our country, if not of the whole world, belongs to the optimists and not to the pessimists. Every past dire prediction questioning future develop-

ments in Hawaii has been in the event proven to have been false. The fear of Communist influence as an excuse for delaying statehood for Hawaii is not supported by the facts, and is widely interpreted as only a rationalisation of some other grounds of opposition.

The Federal Government has the facilities, the authority, and the power to stamp out the last vestige of communism that exists in the Territory of Hawaii, if it would use those powers promptly and persistently.

Congress has recently enacted legislation which could be used to charge the ILWU and the UPW with being Communist-infiltrated unions. If the charge was sustained, the unions would be stripped of their collective-bargaining rights and employers would be freed from having to recognize these unions in contract negotiations.

This would be a much-needed remedy, far too long delayed. The way would then be cleared for these unions to rid themselves of the communistic leaders and replace them with men of unquestioned loyalty.

The delays and failures in prosecuting Communists or those charged with being Communists are accepted by the union membership as proof of the statements of these leaders that they are being persecuted as a means of union busting, in order to rob the workers of economic gains already won.

Because of economic gains made by the workers under the leadership of Bridges and Hall, it has been difficult to convince the workers that this leadership is inimical to the security of the United States.

Assistance from the Federal Government in stamping out communism in Hawaii will be most welcome.

As a result of its hearing in Honolulu last year, the Senate Subcommittee on Internal Security has announced a number of recommendations designed to further combat Communist activities.

If the Congress should enact the recommended legislation, it would be of great help to us in Hawaii and to the rest of the country in ridding ourselves of Communists.

In every respect, the people of Hawaii have demonstrated their readiness and capacity for self-government. We have more than measured up to the yardstick by which Territories in the past have qualified for statehood. The voluminous record of hearings on the matter of Hawaiian statehood covers every aspect of the subject.

We have presented our case fully, frankly, and repeatedly.

At this point we can only ask, "What more can we do to attain statehood?"

Mr. HALEY. Mr. Chairman, I wonder if we could now hear the gentlemen who are members of the legislature, so that they could get away. I wonder if the gentleman who has presented the statement in behalf of Governor King would be available at some later date?

Mr. O'BRIEN. Mr. Quinn, what is your travel status?

Mr. QUINN. At the moment it is Thursday morning. I do not know what the future program of this committee is, but I would feel confident that I or someone else would be available at a reasonable call of the committee to answer questions relating to the statement presented on behalf of Governor King.

Mr. O'BRIEN. Well, your doubt about the future status of the committee is shared by the committee, too; but I think it is obvious to all of us that we are not going to conclude these hearings today, and it is very doubtful that we can resume them before the Easter recess. It would be sometime after the Easter recess before we could resume the hearings.

I wonder if it would be agreeable to the committee if questions concerning the Governor's statement were to follow when we reach that point?

Mr. HALEY. I have no objection to that, Mr. Chairman. I am only trying to expedite the testimony of the two gentlemen who have expressed a desire that they be allowed to testify and get back to their duties as representatives in the Territorial legislature. I am trying to enable them to do that, rather than anything else.

Mr. O'BRIEN. Would it be agreeable that, at a later date, Mr. Quinn, the Governor, or whoever would be here could be questioned about the details of the statement. Would that be the sentiment of the committee?

Without objection, it is so ordered.

May I also suggest, before it skips my mind, we have a number of other people here who have come expecting to testify. Some of them must return. Would the committee agree that the people be permitted to submit their statements for the record, and then be free to depart? I think that is the custom in many instances to expedite matters.

Mr. PILLION. Is that limited to the gentlemen who are presently here?

Mr. O'BRIEN. Just those who are here and who have presented their statements to the counsel or the committee. Otherwise we would have statements flowing in from all parts of the compass. It applies to just those who are here and cannot be brief, and who may find it difficult to return at a later date; because it is hardly fair for people to come all the way from Hawaii and not even get their statements in the record.

Without objection, then, that will be so ordered.

Mr. O'BRIEN. I have one other matter which I forgot.

Without objection, the report of the Department of Justice on H. R. 49 will be made a part of the record, again subject to what may develop in the way of questioning any representatives of the Department who may appear here at a later date.

(The report follows:)

UNITED STATES DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D. C., April 8, 1957.

HON. CLAIR ENGLE,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 49), to provide for the admission of the State of Hawaii into the Union.

The Department of Justice favors the enactment of legislation to grant statehood to Hawaii as recommended by the President in his budget message for the fiscal year ending June 30, 1958. Comment on certain features of H. R. 49 is submitted below.

Jurisdiction would be reserved to the United States over Hawaii National Park by section 16 (a) of the bill and over lands owned by the United States and held for military, naval, Air Force, or Coast Guard purposes by section 16 (b). The jurisdiction over the park would be the exclusive jurisdiction now exercised by the United States pursuant to the act of April 18, 1930 (46 Stat. 227), subject to the exceptions provided by section 1 of that act (16 U. S. C., sec. 305) and in addition, the right of persons residing in the park to vote. The jurisdiction over tracts or parcels of lands of the United States held for military, naval, Air Force, or Coast Guard purposes (sec. 16 (b)), would be exclusive in the United States, subject to the right of the State to serve civil or criminal process within such areas in connection with matters arising outside thereof, and to the proviso that such exclusive jurisdiction shall not operate "to prevent said State from exercising over or upon such land, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority." It is understood that this proviso was proposed by the Department of Defense with the intent that concurrent jurisdiction may be exercised by the State unless and until Congress imposes restrictions on such exercise of jurisdiction. This intent is further in-

dictated by the statement as to the purpose of the provision set forth on pages 26 and 27 of House Report No. 88, 84th Congress.

The exceptions to exclusive jurisdiction over Hawaii National Park and the intent to confer concurrent jurisdiction over lands of the United States held for military, naval, Air Force, and Coast Guard purposes are in line with certain of the conclusions of the Interdepartmental Committee for the Study of Jurisdiction over Federal Areas Within the States made in part I of its report issued in April 1956, copies of which have been furnished to the Congress. The Committee concluded, that possession of any measure of legislative jurisdiction in the United States is not generally advantageous with respect to the large bulk of Federal areas in the States, and that only concurrent legislative jurisdiction should be acquired in the usual case over areas on which, because of their great size, large population or remote location, or because of peculiar requirement based on their use, it is necessary that the Federal Government render law enforcement and other services of a character ordinarily rendered by a State or local government.

Inasmuch as section 2 of the bill consists of a single paragraph, the words "of the second paragraph" appearing on page 8, lines 22 and 23, would appear inappropriate and should be deleted.

It is suggested that in lieu of the language "When any State is" appearing on page 20, line 17 of the bill, there be substituted the language "When the State of Hawaii or any State." Such amendment would make it clear that the proposed amendment of the Federal Reserve Act is intended to apply to Hawaii.

The bill should provide specifically that nothing contained therein shall be construed to confer United States nationality upon any alien residents of the Territory, and that the repeal of any statutes by the bill shall not confer or restore nationality previously lost under any law of the United States or any treaty to which the United States may have been a party. Otherwise doubt might arise as to the citizenship status of many persons now in the Territory of Hawaii.

Section 101 (a) (36) and (38) and section 212 (d) (7) of the Immigration and Nationality Act should be revised to eliminate the references therein to Hawaii. Amendment of section 310 (a) of the Immigration and Nationality Act also would appear to be necessary in view of the reference therein to the District Court of the United States for the Territory of Hawaii.

Inasmuch as section 305 of the Immigration and Nationality Act declares the citizenship status of persons born in Hawaii the bill should include a provision specifying that this section of the Immigration and Nationality Act is not to be regarded as amended, repealed, or modified by the enactment of the bill.

It is noted that the bill makes no provision for separability in the event of judicial determination of the unconstitutionality of any provision. Accordingly, it is suggested that a section covering separability be added to the bill.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROOKES,
Deputy Attorney General.

Mr. O'BRIEN. Mr. Abbott.

Mr. AMERR. May I make an observation, Mr. Chairman?

Reference has been made directly and indirectly on several occasions to what was originally docketed in Hawaii as the case of *United States v. Charles K. Fujimoto et al.* As has been indicated that case, after a trial which extended over a period of more than 7 months, resulted in the conviction of 7 residents of Hawaii for Smith Act violation.

As has been also indicated, it has been appealed and is pending disposition in the Ninth Circuit Court at San Francisco.

Some of the Hawaii witnesses may be lawyers. If so, they cannot help but be aware of the canons of ethics of the American Bar Association, undoubtedly the Bar Association of Hawaii, or the particular county from which they come. An awareness of those canons of ethics, at least insofar as these individuals are concerned, I think it

should be pointed out, would impress upon them the fact that they cannot engage in public controversy as officers of courts regarding a case which is still pending in the courts. And for lawyers to discuss, where they are subject to those ethics and the governing bodies of their own bar association, any of the facets of the Fujimoto case might subject them, as lawyers, to censure by their own bar association. In turn, of course, there are limitations on citizens, where the court having jurisdiction has certain responsibility for assuring that the public at large—not limited to lawyers, of course—is not in contempt of court on matters relating to pending cases.

My only reason for saying that, Mr. Chairman, is to recall that the United States district attorney for the district of Hawaii on July 6, 1953, shortly after this conviction, was asked by the Senate committee to respond to certain questions put to him, and that was the position he took.

I make the observation at this time only so that members might refresh their memories on the position which some of these witnesses from Hawaii would find themselves in as to the particular case rather than general questions on security.

Dr. MILLER. Does that mean that lawyers on this committee cannot express themselves on legal findings, and Members of Congress? Would they violate the rules of the court or the bar association?

Mr. PILLION. I meant to ask the counsel that. I was hoping he was not intimating in any way that applied to the Members of Congress.

Mr. ANBOTT. I hope I carefully confined myself to the residents of Hawaii.

Mr. PILLION. I think the gentleman did, in limiting the application of the canons of ethics to the members of the bar, and I was hoping it would be clarified to make sure that no one has the impression that this applies in any way to Congress.

Mr. O'BRIEN. May the Chair say that he does not believe the day will ever arrive when lawyers on this or any other committee of Congress will not find a way to express themselves fully.

We have three witnesses. It appears to me that perhaps all three might desire to come forward at the same time. They are Senator Oren E. Long, former Governor of Hawaii; Representative Ward Russell; and the chairman of the statehood commission, Mr. Lorrin P. Thurston. Perhaps they might read their statements in that order, and then we could question any or all at one time; then we would not be duplicating the same ground.

I think perhaps, we might have this understanding too: That any member of the committee, of course, is free to interrupt at any point the reading of the statement to get in a question that may be pertinent at that particular place.

If, as a result of that, the magic hour of adjournment arrives and any part of the statement or statements has not been read, then I ask unanimous consent that the statements be made a part of the record in full so that we will not have a witness with part of a statement dangling in midair. I think for orderly procedure that would be a good way to proceed.

Senator Long, I think you are first on the list. Will you proceed, sir.

STATEMENT OF OREN E. LONG, MEMBER OF THE HAWAIIAN SENATE

Mr. Long. Mr. Chairman and gentlemen of the committee, my name is Oren E. Long. I have resided in the Territory of Hawaii for the past 40 years. I have served in various capacities, particularly in positions that have brought me into very close contact with the human side of Hawaii. I have served as a classroom teacher, as a principal of the elementary and high schools, as deputy of schools, as superintendent, as Secretary of Hawaii, as Governor, and currently I am serving as a member of the Territorial senate. I appreciate the privilege of appearing before this committee.

I might add that I was a witness before the first congressional hearing on statehood that was conducted in the spring of 1935. At that time I stated I believed Hawaii was ready for statehood on the basis of my rather intimate knowledge of the people who made up our population. Now, after a period of 22 years, I appear again to state that on the basis of added experience I am more convinced than ever that the people that make up this American community are worthy of the confidence of this body and of the Nation.

I have been asked this morning to speak particularly in regard to the educational program in Hawaii. I have a very short statement.

There is general agreement in America that what is wanted in the Nation must first be put in the schools.

To the extent that this is true, Hawaii must be rated high. Education has been a potent influence in its social, economic, and political development. The New England missionaries arrived in 1820. They immediately established the church. By the side of the church, they built the schoolhouse.

This was the pattern followed by the pioneers of the eastern coast who settled the new lands of the West. It was adopted by the New England missionaries to Hawaii, and was followed by the Catholic mission, the mission of the Anglican Church, and the Mormon brethren. They have always emphasized education. The great private schools which they established in Hawaii are still serving in the best tradition of the private schools of America.

The first public schools in Hawaii were founded in the 1830's. By 1840, a ministry of education had been established. In 1844, under the leadership of teachers from the United States, a compulsory attendance law was promulgated. Only the State of Massachusetts had such a law at an earlier date.

It is a matter of record that these schools, public and private, were based on American ideals and practices. Their influence was soon felt in government. They determined developments during the formative period of Hawaii and throughout the transition from monarchy to republic.

During the 57 years of our modern Territory, these schools have been the most important single influence in this emerging society. They have made popular the concept of the republican form of government; they have made democracy work. The native population early came under their guidance. The children of each successive wave of immigrant workers attended these schools. The ideals and program were as American as those of Maine or Kansas or California.

They brought together the children of many races, molding them into one American society.

Significant also is the fact that there has always been liberal support for the educational program—financial support and moral support. Even in the days of exploitation of agricultural workers—and there was some exploitation—the leaders did provide free education for all the children of all the people.

This fact has had a profound influence on the feeling of the people about their community. Something of the wholesome social attitudes of today stem from this early concern about what happened to youth. Dr. Arthur L. Dean, for many years president of the University of Hawaii and for 12 years chairman of the commissioners of public instruction, one time made this statement:

In the schools of Hawaii there is less of a disposition to educate your children to work for my children, than in any other part of the Nation.

This high ideal of serving all the children of the community, whether the children of immigrant parents or of native-born parents, regardless of racial descent, and giving all an equal opportunity in the race of life—this program has resulted in a keen sense of loyalty to the community and to the Nation, and has led to an enthusiastic appreciation of American institutions.

The parents—and also the children as they become older—know that Hawaii has a higher percentage of its population in school than most of the mainland States—over 30 percent of the population is attending schools—that the public schools of Hawaii have a greater holding power than most of the States—the high school graduating class of 1956 represented 74.5 of all the children who entered 12 years before; that Hawaii's annual expenditure per pupil is considerably higher than the average expenditure of the States; that the average daily attendance in Hawaii's schools of 95.4 percent is 8 percent above the national average; that Hawaii's teacher-pupil ratio, exclusive of all nonteaching staff members, is 1 to 31.4; that since 1933 teacher certification regulations require 5 years of collegiate and professional preparation, including a full semester of intern teaching; that Hawaii pays its teachers a higher average annual salary than is paid by the States.

These parents know also that Hawaii has 100 percent kindergarten coverage in both rural and urban schools; that it has a nationally recognized program of vocational educations; that it has highly trained dental hygienists in every elementary school; that there are 32 centers offering adult education with special emphasis on citizenship courses; and that special educational services are provided for the physically handicapped, mentally retarded and gifted children.

This is the atmosphere in which Hawaii's youth have been nurtured. I have known this school program well. For 30 years I was a part of it. For a period of 40 years I have had an intimate knowledge of it. It has created a social climate that is desirable—that is thoroughly American. It has never been and never will be a climate in which subversion or disloyalty will flourish.

Thank you.

Mr. O'BRIEN. Thank you very much, Governor, for a very fine statement.

What is the pleasure of the committee? I have one or two questions I would like to ask. Shall we waive our questions until the 3 statements have been read and then direct them to all 3 people?

Mr. PILLION. That is all right.

Mr. O'BRIEN. I think that would be better.

I think Mr. Russell is next.

STATEMENT OF WARD RUSSELL, MEMBER OF THE HAWAII HOUSE OF REPRESENTATIVES

Mr. RUSSELL. Thank you, Mr. Chairman.

Gentlemen, I want to thank you very much for permitting me to read my statement at this time, so that the senator and I can make an immediate return to the islands.

Mr. Chairman, it is indeed an honor to have the opportunity to appear before you to plead the cause of statehood for Hawaii.

My name is Ward Russell. I am a Republican representative from the fourth district to the present session of the Legislature of the Territory of Hawaii. The fourth district is on the island of Oahu and is our largest representative district in terms of registered voters, having approximately 45 percent of the registered voters in the Territory.

I am here today as the official representative of the Democrat-controlled house of Representatives of the Territory; the motion to send me having been made by our Democrat majority floor leader and seconded by a fellow Democrat.

I might add that one of the loyal supporters of the Delegate to Congress on the floor of the House gave me a very nice talk as far as my background and qualifications for this assignment.

I was born and grew up in the town of Hilo on the island of Hawaii. I have lived and worked in the islands all my life. Up until I was about 13 years old my playmates were almost entirely children of the Americans of Hawaiian, Japanese, and Filipino ancestry who lived in the plantation community next to our home.

I might add that the community was primarily a Japanese community, and by the time I was 13 I had a rather colorful vocabulary. Some of these children are the business, political, professional, and labor leaders of our community today. Two of them, close friends of mine, now hold prominent positions in ILWU local units on the island of Hawaii. Gentlemen, they are as good Americans as anybody in this room.

My family came to Hawaii in 1898 from Illinois and Wyoming. My late father was an attorney who served in our Territorial senate for many years as senator from the island of Hawaii. My maternal grandfather was one of the early builders of the islands having been in the real-estate business until he was appointed postmaster at Honolulu, a position he held until he retired. Incidentally, a maternal great uncle of mine was a United States Treasurer.

I think you might be interested in my own political life. I was first elected as a representative in 1950 and served in the 1951 session of our legislature and the succeeding session of 1953. In the Democratic landslide of 1954 in Hawaii I was defeated. Running again this past November I was reelected, beating out a number of those Democrats who had been elected 2 years previous. Another fellow

Republican in the same district who was also defeated in 1954, also regained his seat this year.

Mr. Chairman, I am a product of Hawaii's schools, having attended public and private schools in the islands. Unfortunately I did not go to college as my parents died when I was 13 years old. I went to work when I was 16 and have worked on all the major of our so-called neighbor islands, that is, the islands of Maui, Hawaii, and Kauai, and I have visited every island of our island chain. I have gone to school with, I have worked with, I have lived with, and I have played with the people of these islands—the people of Hawaii. And to my knowledge, you cannot find a people more instilled with the basic ideologies and principles of Americanism.

Just who are the people of Hawaii? What do they think, how do they act, who are they? There are the farmers—the small independent sugar growers who market their crops to the large plantations and the many diversified farmers who stretch from one end of our island chain to the other. In Hawaii we grow coffee on small, often 20-acre family plots. But from these plots is produced some of the finest coffee in the world. The yield per acre, incidentally, is the highest in the world.

There are the truck farmers from Waimea known as Hawaii's breadbasket which would remind you of parts of Montana with its steep mountains and rolling pastureland.

There are the mango, macadamia nut, papaya, banana, and passion fruit growers in the islands of Kauai and Maui.

There are the small ranchers and the big ranchers producing excellent beef on some of the worst looking lava land you have ever seen.

There are the small shopkeepers in our rural communities. There are the schoolteachers, the government workers, the nurses, the secretaries and the rest of the parts which go to make up a full community.

There are the commercial fishermen with whom I have searched for tuna on many occasions.

There are the workers in the electric power industry and in the telephone business, of whom I am one. I have 1,500 fellow telephone workers spread throughout the islands who are eagerly looking forward to the day, late in October of this year, when the new trans-pacific submarine telephone cable similar to the trans-atlantic cable, which was installed last year, will go into service. In Honolulu, we operate one of the most efficient and up-to-date telephone systems in the world, having had dial service since 1910.

It is all these people who want and deserve first-class citizenship. It is these people, many of them second, third and fourth generation Americans who are possessed with a fierce pride in that citizenship. These are the people of Hawaii who are deserving of statehood. I know how deeply and strongly they feel about this issue because I have lived with them, and some of them are the closest friends I have in this world. For me, it has been most disappointing to see how time and time again, as Congress has debated our statehood bill, these people have had their hopes and aspirations raised, only to be crushed again and again. It is these people, however, who still hope, who still aspire to what they consider to be their just and proper status.

Mr. Chairman, gentlemen, my appearance before this committee is something which I hoped to experience for many years. I have long dreamed of this day when as a Caucasian American I could plead the

cause of my fellow citizens of Hawaiian and Asiatic ancestry before the Congress of the United States.

This has been my opportunity to acknowledge and repay a moral obligation I have to these citizens who, by their thinking, actions, and behavior have made me and many more like me throughout our Nation understand and appreciate more than ever what our great country stands for. Where else can we find a group of such Americans who have sacrificed so much to uphold the traditions of the United States, our philosophies of freedom and liberty, and the high ideals of our democracy. Statehood is their just reward.

It has been difficult to find the right words to tell and explain to you what in my heart I know to be the right and just thing that should be done and I want to thank you very much for giving me the opportunity to do so.

Mr. O'BRIEN. Thank you, Mr. Russell, for a very fine statement. Shall we proceed to the next one?

Mr. PILLION. I suggest we proceed with the next witness.

Mr. HALEY. If I may just have a moment to make an observation.

Mr. O'BRIEN. Yes.

Mr. HALEY. I want to say to you, Representative Russell, I had the pleasure of talking with the gentleman for some time yesterday. I am quite impressed with your sincerity. If you are a product of the islands and the rest of the people are of similar beliefs insofar as the ideals of Hawaii are concerned, I would say that you are a fine representative of the Hawaiian people. I just want to know, sir, that I am quite impressed with your appearance, your thoughts, and philosophies of government.

Mr. RUSSELL. Thank you.

Mr. O'BRIEN. We will now hear from Lorrin P. Thurston, who is chairman of the Hawaii Statehood Commission.

Mr. Thurston.

STATEMENT OF LORRIN P. THURSTON, CHAIRMAN, HAWAII STATEHOOD COMMISSION

Mr. THURSTON. Mr. Chairman and members of the committee, I, too, want to express my appreciation for your letting us come on so as to put our testimony into the record.

My name is Lorrin P. Thurston. I am chairman of the Hawaii Statehood Commission.

In 1820 my great grandfather arrived in Hawaii as a pioneer missionary, and I am a third generation born in Hawaii. I served in World War I as a commissioned officer in the Field Artillery and in World War II as civilian liaison to the military governor, Gen. Robert C. Richardson, and Adm. C. W. Nimitz.

My son, fourth generation born in Hawaii, is a veteran of the Korean war, having entered as a private in the Infantry, and completed his Army service as a first lieutenant.

My father, Lorrin A. Thurston, was secretary to the Annexation Club of Hawaii, which organization provided the leadership whereby the Hawaiian monarchy was overthrown and a provisional government established, and for some 3 years prior to the annexation of Hawaii stumped the country making speeches, writing articles, and

urging the United States to annex Hawaii as a Territory, with the hope that one day we would become a State.

From a study of the efforts of the citizens of Hawaii to secure statehood over a period of 57 years, it is now apparent that the principal argument which the opponents of statehood raise is that of communism and its possible adverse effect upon the Government of the United States if Hawaii is to be admitted as a State.

A few weeks ago, at the conference of the Democratic Party held in San Francisco, wherein the principal Democratic representatives of the 11 Western States were present, I had the privilege of appearing at a roundtable discussion on statehood for Hawaii. The topic of my address was "Communism Does Not and Never Will Control Hawaii."

Copies of that address have been circulated to the Members of Congress, and through the courtesy of the Honorable Warren G. Magnuson, of Washington, it was reprinted in the Congressional Record on Thursday, February 28, 1957. A supplementary booklet prepared by the statehood commission entitled "Hawaii U. S. A., Communist Beachhead, or Showcase for Americanism?" has just been printed and has been distributed to the Members of Congress.

I might say, parenthetically, this represents the collective work and research and thinking, and bears the unanimous approval of all the members of the statehood commission.

Today I would like to lay before your honorable body a new facet which, in my opinion, demonstrates, through the eyes of others, that Hawaii is not only fully prepared for statehood, but also is a sound patriotic American community in which American capital in large amount may be invested safely.

The electrical industry is one of our most important ones, as it is in any city. Due to the enormous expansion of business and population which is in full progress in Hawaii, the Hawaiian Electric Co., principal utility on the island of Oahu wherein lies the majority of Hawaii's population, now faces the necessity of expanding its plant investment within the next 5-year period by some \$54 million.

In order to finance this expansion, the directors of the Hawaiian Electric Co., Ltd., extended to Dillon, Read & Co., Inc.; the First Boston Corp.; Blyth & Co., Inc.; Kidder, Peabody & Co.; Salomon Bros. & Hutzler; Dean Witter & Co.; Eastman Dillon; Union Securities & Co.; Lehman Bros.; Merrill Lynch, Pierce, Fenner & Beane; Smith, Barney & Co.; and White, Weld & Co. an invitation to send their personal representatives to Hawaii to check on its economy and to determine whether Hawaii is a field in which they can, on behalf of themselves and their clients, make bond or other investments with a reasonable degree of safety.

Following this visit, the Hawaiian Electric Co. filed a registration statement with the Securities and Exchange Commission on February 27, 1957, for the issuance and sale of \$7 million first-mortgage bonds to take care of necessary construction which must be started in 1957 in order to keep abreast of the expanding demands for power in our community.

With full knowledge that within the next 5-year period \$42 million of additional capital must be invested, the issue has been underwritten by 11 underwriters as a result of the favorable reports of their representatives who checked Hawaii and its economies at firsthand.

I submit that this endorsement of Hawaii's economy is one of the greatest tributes that we have ever had paid to the Territory of Hawaii. These outstanding financial agencies would certainly not have been willing to underwrite a bond issue in the above amount and with the large additional amounts that are going to be due within the coming 5-year period, unless they were convinced beyond a reasonable doubt that the Territory of Hawaii is basically sound and that the efforts of Communists will not have a dangerous effect upon their investments.

As a second example of what outsiders think of Hawaii, its safety, and its economy, I submit the experience of the Hawaiian Telephone Co. since World War II.

The Hawaiian Telephone Co. maintains the exclusive telephone service between all the populated islands of Hawaii and the United States and the Far East. Since World War II, it has raised \$34 million in new capital. Of this amount, \$23 million has been supplied by mainland institutional investors, mainly through the purchase of mortgage and debenture bonds as well as preferred stocks. The New York banking firm of Kidder, Peabody & Co. has assisted in the placement of a large portion of these capital funds.

The Hawaiian Telephone Co. forecasts the need of \$21 million of new capital by the end of 1959. On March 3, 1957, the following gentlemen arrived in Hawaii to make a study of its economy and to recommend to their principals whether or not bonds or preferred stock of the Hawaiian Telephone Co. will make a satisfactory investment for them and for their clients:

E. R. Alexander, vice president and treasurer, Sun Life Assurance Company of Canada, Montreal, Canada.

George F. Bennett, vice president, State Street Investment Corp., Boston, Mass.

Charles E. Brown, financial secretary, American National Life Insurance Co., Galveston, Tex.

Homer N. Chapin, vice president, Massachusetts Mutual Life Insurance Co., Springfield, Mass.

John Flint, partner, Kidder, Peabody & Co., Boston, Mass.

P. Stokes Gaither, vice president, New England Mutual Life Insurance Co., Boston, Mass.

Allen D. Harper, vice president, Pacific Mutual Life Insurance Co., Los Angeles, Calif.

Robert C. Johnson, partner, Kidder, Peabody & Co., New York, N. Y.

Ralph A. Metzger, vice president, the Union Central Life Insurance Co., Cincinnati, Ohio.

William L. Phillips, vice president, the Mutual Benefit Life Insurance Co., Newark, N. J.

Graydon Saunders, associate treasurer, the Canada Life Assurance Co., Toronto, Canada.

James H. Torrey, secretary, Connecticut General Life Insurance Co., Hartford, Conn.

John H. Weedon, vice president, First National Bank of Chicago, Chicago, Ill.

Mr. E. R. Alexander, the vice president-treasurer of Sun Life Assurance Company of Canada, summed up the attitude and opinions of

the above-mentioned gentlemen at the conclusion of their visit in Hawaii just a few weeks ago, as follows, and I quote:

The opportunity which we have had during the past 10 days to meet with corporate management, bankers, and public officials, and to discuss with them the problems of industrial and economic development in the islands, confirms, in our opinion, that our policy of increasing our investments here is a proper one.

I have for presentation in this record with the approval of the author, Mr. Robert C. Johnson, partner of Kidder, Peabody & Co., whose principal offices are at 17 Wall Street, New York, a letter dated March 29, 1957, from which I wish to quote the last part of the first paragraph which appears on page 3:

• • • Without exception every one of these men—

meaning those who were sent to investigate Hawaii—

were greatly impressed by the economy, the quality of management, and the importance of Hawaii as an integral part of the United States. It is my belief that within a relatively short time each of the companies represented will own investments in bonds, stock and/or mortgages located in the Hawaiian Islands. This group represented total assets in excess of \$15 billion.

I am in hopes that this honorable committee will permit me to insert into this record the letters attesting to the truth of the above statements written by Mr. Philip E. Spalding, chairman of the board, the Hawaiian Electric Co., Ltd., dated March 28, 1957; a letter by Mr. J. B. Atherton, president of the Hawaiian Telephone Co., Ltd., dated March 28, 1957; and the letter of Mr. Robert C. Johnson, partner of Kidder, Peabody & Co.

Mr. O'BRIEN. May I say, at that point, that I do not think there is any disposition on the part of the committee to challenge in any way the truth of the above statement. I do not believe it will be necessary, unless the committee feels otherwise, to make these letters a part of the record. If you wish, you may submit them for the file.

Mr. THURSTON. Would you like them, sir?

Mr. O'BRIEN. Yes, for the file.

Mr. THURSTON. I would be happy to.

(The letters will be found in the file of the committee.)

You can see from the above that these large investors have made a very recent and intensive investigation of the soundness of investment opportunities in Hawaii. They have decided to invest considerable amounts for themselves and for their clients.

They are convinced, and I submit rightly so, that the Communists in Hawaii are not a significant factor in the political and economic future of the islands.

As chairman of the Hawaii Statehood Commission, with my 57 years of intimate acquaintance with all the facets of Hawaii's political, economic, and social development, I fully concur with the findings made by these impartial investigators.

The members of the Hawaii statehood delegation who are appearing before you are bipartisan in every respect. They are presenting their plea for full rights of American citizenship for the people of Hawaii, not as a matter of party politics—but as a matter of simple American justice.

Our people have tried in every possible way, over many, many years, to prove to you honorable gentlemen of the Congress that by our every action—whether it be by sacrificing our sons in three wars; by

purchasing liberty and defense bonds; by willingly paying our full share of taxes; by building a modern, healthy, well-educated citizenry; by being willing at all times to donate of our time to every community project which will in full measure reflect our American ideals—all of this with the sincere and honest hope—that we have demonstrated by deeds and accomplishments, that we are entitled to the full rights of American citizenship.

It is our hope and prayer that our plea will be considered on this basis alone, the basis of justice, and that a decision will be arrived at before this Congress recesses this summer.

Mr. O'BRIEN. Thank you, Mr. Thurston, for a very fine documented statement.

Before proceeding with the questioning, the Chair recognizes the gentleman from Florida for a statement.

Mr. HALEY. Mr. Chairman, we have only about 44 minutes. I was going to suggest to the chairman and to the members of the committee, inasmuch as the gentlemen down on the lower end of the committee—that does not by any means reflect their ability; they just happen to be younger men in the Congress—that probably some of the older Members of the Congress would not object too strenuously if the chairman would recognize, beginning down on my right or left, some of the younger members of the committee to question the witnesses. Of course, we have heard this testimony or similar testimony for several sessions of the Congress. I just want to make the suggestion, Mr. Chairman, that probably we should yield to the gentlemen who are new members of this committee and come up the totem pole rather than down. I make that as a suggestion.

Mr. O'BRIEN. What is the pleasure of the committee?

Mr. SAYLOR. Mr. Chairman, I will move that this morning, as a matter of courtesy to the attendance at least of the younger members of the committee, the Chair begin at the lower end. I recognize it is a little hard on some of the folks that find themselves in the middle, but if we do not get called on, it is all right with me.

Dr. MILLER. Are we going to observe the 5-minute rule, also?

Mr. O'BRIEN. I think it would be desirable, under the circumstances, that we have the 5-minute rule, because we do have a limited time. I assume that members will be rather lenient in yielding to other members and so forth. I think the suggestion is a very fine one.

Mr. PILLION. I object to the 5-minute rule.

Mr. HALEY. I would have to object to the 5-minute rule.

Mr. PILLION. I want to be fair. Mr. Chairman, there is about a 4 to 1 ratio of proponents against opponents here. We have now heard 6 proponents here as witnesses without hearing 1 opponent. I believe that is cutting the thing pretty thin here, that is, to foreclose even any examination of all the favorable testimony here in the statements. I do not think that is fair at all, Mr. Chairman.

Dr. MILLER. I think the gentleman's observations are correct, and I hope—

Mr. PILLION. Mr. Chairman, I must protest most vigorously the failure to give the opposition here a fair amount of time.

Mr. O'BRIEN. As long as the protest was addressed to the Chair, the Chair must reply.

Several times the gentleman from New York has stated that the opposition to statehood was not given a fair amount of time in this hearing and in the Alaska hearing.

I am not going to belabor this point, but I suggest that the gentleman from New York examine the printed record and count the number of occasions and the number of lines that he has inserted in the record as an individual, while some of the gentlemen down at the lower end, as the gentleman from Florida described it, have not even had an opportunity to ask a single question.

I do not think there has been any discrimination. I think that the discrimination lies in the fact itself that there are more proponents than opponents.

As far as shutting off the hearing, I know that very often I have gone over to the floor of the House and desired to say something and could not get 2 minutes on something of vital importance to the Nation. Here we apparently have the unlimited rule.

Dr. MILLER. A point of order, Mr. Chairman. I am going to insist on the regular order, and I am not going along with the suggestion of the gentleman from Pennsylvania that we start at the foot of the class, because of objections on either side of me. If I get time, I promise not to take more than 5 minutes.

Mr. O'BRIEN. The objection has been heard. The chairman presumably has the first opportunity to question the witnesses. The Chair will yield to the Delegate from Hawaii.

Mr. BURNS. Mr. Chairman, I appreciate your yielding, but I would rather have members of the committee have the time. I am thoroughly familiar with the questions of Hawaii, and I would rather have the committee members ask questions that they would like to have answered.

Mr. O'BRIEN. The Chair will yield to Mr. Collier.

Mr. COLLIER. I might say, first, I appreciate the spirit of consideration of the gentleman from Florida in recognizing a freshman, which is something, as you know, is not frequently done.

I did, however, have the pleasure of a very nice talk with Representative Russell. I have done some research on my own. I have no questions at this time.

Thank you.

Mr. O'BRIEN. The Chair yields to the gentleman from Texas, Mr. Rutherford.

Mr. RUTHERFORD. Thank you, Mr. Chairman.

Senator or Governor Long, I have had two brief stays in your Territory, informal on both occasions, and have heard the discussion as to the Japanese schools after the conclusion of the regular public or parochial or private schools. The curriculum is limited, as I understand, and is more or less in keeping with the traditions of their ancestral procedures. Just what is this school? How it is promoted? How it is supported? And what is taught in this type of school?

Mr. LONG. Mr. Chairman and members, the establishment in Hawaii of what we refer to as the Oriental language schools—representing the Chinese language, the Korean language, the Japanese particularly, very little for the Filipino immigrants as they came in, but those three groups—followed very closely some of the language schools in the upper Mississippi Valley, when people from various countries in Europe came in and established colonies, and they wanted their

children to know the language of their grandparents back in the old country, and their relatives. In some instances, of course, the immigrants themselves did not speak English. That developed, I think it is fair to say, on a bigger scale in Hawaii because of the contrast in language and cultural background being greater. There was possibly a greater necessity for it.

I think it is fair to say that it persisted more than similar schools on the mainland. They have pretty largely died out, just as they have died out in other American communities. There is no longer any reason whatsoever from the standpoint of communication within the family. They speak English. There may be a few of the old grandmothers and grandfathers who are somewhat handicapped.

That is really the story of it today. They dropped almost entirely during the period of World War II. They have come back but only slightly. I do not know the exact enrollment in them. They meet entirely outside of the hours of the public schools, generally limited to 1 hour, and it consists of practice in the language group that they represent.

Mr. RUTHERFORD. Language and culture?

Mr. LONG. Yes.

Mr. RUTHERFORD. Who supports this? What funds? What finances?

Mr. LONG. It is supported entirely by the parents; no Government funds whatsoever.

Mr. RUTHERFORD. It is privately endowed?

Mr. LONG. Private schools; yes.

Mr. RUTHERFORD. What percentage do you estimate of attendance?

Mr. LONG. It is a very small percentage, but I think, unless some member of the group has that, we would have to submit it as information to the committee.

Mr. RUTHERFORD. I believe it was in October a year ago that I noticed these children going, and I understand some of them complained quite bitterly about the practice of having to be in school all day long, and then having to continue in extra school. I inquired from several sources around there as to the schools, the background. I recognize the purpose of it is cultural.

A great percentage of the people in the section of Texas in which I live are Mexican, those of Mexican descent. Some 600 miles of the Mexican border is in my district. However, we did not have any such schools as that to teach the background of the Spanish or Mexican customs, and I thought it was most unusual when I was in this area and no one could supply me with information as to even the financial support of the schools.

I believe that is all, Mr. Chairman. Thank you.

Mr. O'BRIEN. The Chair yields to the gentleman from Nebraska.

Mr. WEAVER. Mr. Chairman, I also want to thank the gentleman from Florida for his consideration in moving down, but I assume this was just for today, not every day.

Mr. HALEY. I want to say to the gentleman, if I may respond, Mr. Chairman?

Mr. O'BRIEN. Yes.

Mr. HALEY. That at one time I was down there, Mr. Weaver, and I realize the situation in which the younger men in length of service in the Congress find themselves here. I am very sympathetic to the

fact that you do not have sometimes an opportunity to question the witness that you should have.

Mr. COLLIER. I want to thank the gentleman for the spirit in which that suggestion was made. I do not believe I have any questions.

Mr. O'BRIEN. The Chair yields to the gentleman from California, Mr. Sisk.

Dr. MILLER. A parliamentary inquiry, Mr. Chairman. How much time does the chairman have to yield? He has had the floor now 9 minutes.

Mr. O'BRIEN. The Chair will entertain a motion to——

Dr. MILLER. If he is going to control the time until noon, perhaps the other members might as well go to their office to work.

Mr. O'BRIEN. The Chair will entertain a motion to limit the questioning to 5 minutes.

Dr. MILLER. I just wondered how much time. You have controlled about 50 percent of the time on both Alaska and Hawaii statehood. I think the opposition ought to get some time.

Mr. SISK. I ask unanimous consent that the time be limited to 5 minutes.

Mr. CHRISTOPHER. Second.

Mr. HALLEY. I object, Mr. Chairman.

Mr. SISK. Then I would like to question the witnesses.

Mr. THURSTON, of course the Communist theme seems to be the predominant consideration for objection to statehood for Hawaii. Certainly, according to your statement, you do not feel that communism actually represents a threat to Hawaii at the present time. Is that correct?

Mr. THURSTON. I would not put it quite as broadly as that. Communism anyplace is a threat.

I believe that our people are more thoroughly aware of communism than those in any American State. I believe we have done everything, and perhaps a few things that the citizens of no other State have done, to try and undermine and defeat communism in every respect.

I believe that the influence which they have in the islands is of such a minor character at the present time that it should not be a barrier to statehood. If we were to be granted statehood, we would not stop in our fight against communism; I think we would be in a far better position, with representatives in this honorable body and in the Senate, to take further steps leading to their complete elimination.

Mr. SISK. That leads to my next question. I think you have pretty well answered it.

Your position, as I understand it, is that you would be in a better position to fight communism and destroy its influence as a State than you are as a Territory. Is that correct?

Mr. THURSTON. I feel infinitely so.

Mr. SISK. I believe that is all, Mr. Chairman.

Mr. O'BRIEN. The Chair yields to the gentleman from California, Mr. Urr.

Mr. Urr. I have no questions, except I want to add what Mr. Sisk just said—How can you make that statement in view of the preemption doctrine by the Supreme Court that no State laws on communism are valid in view of the fact that the Federal Government has preempted the un-American laws, and no State can legislate on communism?

Mr. THURSTON. I agree with you perfectly, sir. But, on the other hand, one of the problems which our businessmen face is being forced to deal with Communist-dominated unions. If we had representation in the House and the Senate, I think we could join with those others who perhaps would be in a position to help rectify the situation legally by due process of law, which would not make it necessary for our men to negotiate with Communist-dominated unions as bargaining agents.

Mr. URR. I do not want to be misunderstood. I do not agree with the Supreme Court on their preemption doctrine in any way whatsoever.

That is all.

Mr. O'BRIEN. The Chair yields to the gentleman from Missouri, Mr. Christopher.

Mr. CHRISTOPHER. I shall not take much of the time of the committee, and will be very brief.

I believe it is freely admitted that the home State of the gentleman from New York has more Communists than any State in the Union or any Territory, and I would not be willing to divest that State of its statehood because of that. That is just another burden that that State has to bear and deal with. So I would not add to their worries or their burdens in any manner.

I only want to state for the record that I am and have always been in favor of statehood for both Hawaii and Alaska. I am ready to vote for it on the committee at the first opportunity in both cases, and support that position on the floor of the House.

Mr. Chairman, I thank you.

Mr. O'BRIEN. I think that leads us very close to the so-called inner circle.

The Chair has a number of questions, but in view of the time the Chair has already taken, the Chair yields the floor and recognizes the gentleman from Nebraska, Dr. Miller.

Dr. MILLER. Thank you very much.

I think all three of the witnesses have made a very good case for statehood from an educational standpoint and from a financial standpoint.

One thing that has worried me relative to Alaska is whether they were financially able to carry on as a State, because of their limited resources and high taxes, and so forth. I believe Hawaii is in somewhat of a different situation.

However, we, as Members of Congress, must be very practical and deal with hard cold facts and meet the arguments that are placed against statehood. One of the arguments that we do have constantly put before us is Hawaii is too far removed from the United States, it is not contiguous to the United States. Neither one of you have answered that question. However, I think most of us have an answer to it.

One thing that bothers many of us is the question of how much influence the ILWU and the UPW, I believe—is that the United Public Workers?

Mr. THURSTON. Yes.

Dr. MILLER. That is made up of employees of the government?

Mr. THURSTON. Yes, sir.

Dr. MILLER. Do we have such an organization in the United States as the United Public Workers, with the right to strike against the Government? Is that what they claim?

Mr. RUSSELL. They represent a very small segment of our government workers. Most of our government workers—

Dr. MILLER. They do recognize the right to strike against the government. Is that a recognized union?

Mr. RUSSELL. A recognized union as far as representation of the government workers, but they do not have a right to strike against the government.

Dr. MILLER. Has the Territory of Hawaii recognized them as a legal union?

Mr. RUSSELL. I believe so.

Dr. MILLER. I think that is quite unfortunate. I do not believe we have such a situation in this country where the workers of Government have a recognized right to strike against the Government. Because, as I understand, they are more or less hand in glove with the Communist-dominated ILWU.

Back in 1949 they had some long strike. I believe it lasted from May to October, a time when the war clouds were gathering in the Pacific, and Hawaii was pretty well strangled by the ILWU. The Governor called the legislature into session, and they passed some rather stringent laws to curtail this activity. At least an attempt was made to curtail their activities.

The thing that worries me, while I realize they are probably small in number—I think the Governor's testimony says 25,000 of them in the ILWU—Harry Bridges and a man by the name of Hall, and the leaders apparently dominate the union, which has its headquarters in San Francisco. But they do control pretty much the activities of the union.

I remember in 1949 we had the problem before this committee in Washington. I was a member of the committee. There was some discussion as to what to do, and there was discussion on the floor of the Congress because the islands were paralyzed.

At that time the legislature passed some laws that were pretty stringent. Since that time, and during that time, the ILWU swore to eliminate those legislators that supported that stand. I believe at that time, when they passed this restrictive legislation, the Governor said here were 9 Republicans in the senate and 6 Democrats. What ratio do you have now?

Mr. LONG. Twelve Democrats and three Republicans.

Dr. MILLER. How many?

Mr. LONG. Twelve Democrats and three Republicans.

Dr. MILLER. And at that time there were 20 Republicans in the house and 10 Democrats. What do you have now?

Mr. RUSSELL. We have 18 Democrats and 12 Republicans.

Dr. MILLER. Were the ILWU's successful in eliminating those people who passed the restrictive legislation?

Mr. RUSSELL. No, sir.

Dr. MILLER. How many of these members in the legislature had the full support of the ILWU?

I have a record here. I want a straight out-and-out answer on it. I do not want any fudging on it, as to who they supported and who they

did not support. I realize they sometimes support people in good causes, people who they know are going to win; but they have a reason and a purpose for supporting members of a legislature as a rule, even though they are small in number.

Mr. RUSSELL. I can try to answer for the house. To the best of my knowledge, they supported Mr. Stafford Arson and——

Dr. MILLER. I do not care about the names. How many of the 12 Democrats in the senate did they support?

Mr. LONG. I can speak from firsthand information only on Oahu, where there were three senators to be elected. The leadership of the ILWU were determined to defeat 1 or 2 of them, so they more or less tacitly endorsed people that were less offensive. In the actual voting, only 1 of the 3 that they looked upon with favor was elected. The one that they tried very diligently to defeat was elected quite well, and another one that they did not take too strong a stand against was also elected. I might add that the one they endorsed is a man——

Dr. MILLER. There were editorials in the paper at that time about the endorsements and so forth, who they endorsed, and what effect it might have upon statehood. I believe one of the editorials said more than 30 of them were endorsed by the ILWU that were elected to office. Is that right?

Mr. LONG. I would say that is just about as wide of the mark, Mr. Chairman, as the thing could be.

Now people endorse—sometimes they want to make an impression on their followers. They sometimes endorse people who are going to be elected. It brings up their batting average. They are concerned with their own box score.

Dr. MILLER. I think that is correct.

Mr. LONG. But those that were answerable to them—that is the answer that one would like to give to that question—it is an exceedingly limited number, by common consent.

Dr. MILLER. I remember, when the strike was on, someone tried to get President Truman to invoke the Taft-Hartley law. He did not think it applied, and did not do it, and your legislature at that time started in the stevedore business, took it over and had to do the work under government supervision.

Mr. LONG. That is right.

Dr. MILLER. The thing that concerns me is the statement at that time that they would eliminate those then in the legislature. Apparently they have eliminated most of those who were in the legislature at that time—somebody has eliminated them, anyway—who supported those rather stringent labor laws to stop the strike, and keep war materiel at that time moving to the Pacific.

The thing we have to answer in Congress is, How strong are the ILWU officials? One of them has been indicted, and a number of the group have been indicted, and some convicted under the Smith Act, and the case is now on appeal. And just how much effect they have actually on your political situation.

Perhaps, Governor Long, you can answer that.

Mr. LONG. It is very difficult to measure that effect. Every organization in the country interested in their own affairs and public affairs, whether it be a labor union, bankers, chambers of commerce, teachers' association, do exert a greater influence as a result of their organiza-

tion. However, the registered voters in Hawaii in the last election were somewhere near 182,000, and the total membership of the 2 unions that you have referred to is approximately 25,000. I am reliably informed that some 8,000 or 10,000 of them are in the alien Filipino workers group and a few others, so you have to bring it down to something like 15,000 or 16,000 or 17,000 at the most.

Dr. MILLER. I suppose, too, Governor, that this organization has brought some considerable economic gain to the islands, as far as the workers are concerned. They did represent them and raise their standard of living and wages and so forth and naturally would attract sympathizers, even though not sympathetic to the Communist view. They did get some economic help. Is that right?

Mr. LONG. I would say a great deal of economic help. It is one of the leading chapters in what a union has done for its people. I think any committee from anywhere in the United States would come up with that statement. That, of course, accounts, in my opinion anyway, for the followership and everything pertaining to economics that the leadership has. I do not believe for a second that that leadership, trying to lead them astray into foreign ideologies, would be followed at all. The sons of those people went into the Korean war just the same as the sons of other people.

Dr. MILLER. I think that is true.

The only problem—I note that one of their statements following this past election was that they had finally triumphed and their candidates had been successful, those they had endorsed. It gave me a little shiver, in a way, to feel—if that was true, and they were dominated by men of the philosophy of Harry Bridges and John Hall and others who had been convicted and so forth, it bothered me a great deal.

I suppose the rank and file of the workers are thinking more of the economic values rather than the ideological loyalty.

Mr. LONG. Mr. Chairman, if I may, in that respect I would like to read just two sentences from the testimony of Mr. Benjamin Dillingham, who has been referred to here.

Mr. Dillingham, I think, is third generation of his family. He was one of the main witnesses before the recent hearings in Hawaii of the Subcommittee to Investigate the Administration of the Internal Security and Other Internal Affairs.

Now, in his testimony, on page 483 of volume 5 of that hearing, I want to give you two sentences. He is the strongest witness, in a way, against the leadership, and he has stated to the Senator from Utah, Senator Watkins, that the statements that he has been making apply to the leadership. Then follows:

Senator WATKINS. Is that with respect to the leadership only?

Mr. DILLINGHAM. That is with respect to the leadership only, that is that they follow the Communist line.

Senator WATKINS. What about the membership at large?

Mr. DILLINGHAM. I have never myself been in contact with any member—he is talking about the ILWU—.

I have never myself been in contact with any member that I thought was himself disloyal to the United States in the terms I mean. Now it does not mean that they do not have to go along, but I am talking about the people that I know personally and have talked to me in the rank and file, and they are as loyal to this country as I am.

Dr. MILLER. I am glad to have that statement. I think it is true. I suspect they accept the economic gains as a blessing to them, but the majority would revolt and go opposite to some of their ideological thinking as to communism.

Thank you, Mr. Chairman.

Mr. O'BRIEN. Before recognizing the gentleman from Florida, I would like to ask if we can have a list of opponents as soon as possible. Are there any in the room?

(No response.)

Mr. PILLION. Mr. Chairman.

Congressman Utt and myself would like to ask at this time to schedule a Dr. Fred Schwartz, of Sydney, Australia, to speak in opposition to statehood.

Mr. O'BRIEN. Sydney, Australia?

Mr. PILLION. Yes, either on next Monday or next Tuesday.

Mr. O'BRIEN. Certainly we would be glad to hear the gentleman from Sydney, Australia, but I cannot tell you at this time whether we will have any hearing time next Monday or Tuesday. It might have to be after the Easter recess.

Mr. PILLION. The gentleman may not be able to come any other time. We have tried awfully hard to accommodate the gentlemen from Hawaii here who have appeared before the committee. And if those two days are available, we would like to have an hour—

Mr. O'BRIEN. May I suggest this—that on Monday or Tuesday of next week we will try to arrange a subcommittee in some other office, if we can find an office some place where we could have a meeting. Certainly we will want to hear any opponents.

Mr. PILLION. He is from California, and we would like to notify him. He comes from California, which is quite a distance.

Mr. O'BRIEN. He does not have to come from Sydney, Australia?

Mr. PILLION. No, he is in California right now.

Mr. O'BRIEN. We would be very happy to make that arrangement.

Mr. PILLION. We will then so notify him?

Mr. O'BRIEN. Yes.

Mr. HALEY. Mr. Chairman, I have some questions, and I am going to try to be just as brief as I can; and then I would like to yield to the gentleman from New York as soon as I ask 1 or 2 questions.

Mr. THURSTON, you are the chairman of the Hawaii Statehood Commission; is that correct?

Mr. THURSTON. Yes, sir.

Mr. HALEY. How long have you been chairman of it?

Mr. THURSTON. A little less than a year, sir.

Mr. HALEY. Less than a year?

Mr. THURSTON. I have been a member of the commission since 1947.

Mr. HALEY. You have been on the commission since 1947?

Mr. THURSTON. Yes.

Mr. HALEY. Let me ask you this, Mr. Thurston: The funds for Hawaiian statehood are raised by taxation? If not, how?

Mr. THURSTON. It is a grant by the legislature, an appropriation by the Territorial legislature.

Mr. HALEY. It comes from the general revenues of the treasury of the Territory of Hawaii?

Mr. THURSTON. Yes.

Mr. HALEY. Mr. Thurston, has the commission ever offered at any time to pay the expenses of any person who opposes statehood to come to the mainland?

Mr. THURSTON. The commission was established for the purpose of working for statehood; hence does not.

Mr. HALEY. So the tax money that you raise, or the money that comes from the Territory of Hawaii Treasury is not available to pay the expenses of anyone who might want to come here and testify against statehood. Is that right?

Mr. THURSTON. No, it is not available.

Mr. HALEY. It is not?

Mr. THURSTON. No.

Mr. HALEY. What has been the cost of this long controversy, in money, for the people of Hawaii?

Mr. THURSTON. In a round figure, sir, we have spent a million and a half.

Mr. HALEY. A million and a half dollars. Does the Hawaii Statehood Commission maintain an office or lobby here in Washington?

Mr. THURSTON. We do not maintain a lobby, sir. We maintain an office, which up until 2 months ago did not have anything but a part-time secretary to help our executive secretary, Mr. Jabulka, who lives here permanently. Two months ago, due to the interest in these hearings, we did hire a full-time secretary.

In Honolulu we have an office with a full-time secretary and a bookkeeper. That is the extent of our staff.

Mr. HALEY. What portion of this million and a half dollars has been expended here in the city of Washington in behalf of statehood for Hawaii?

Mr. THURSTON. May I ask Mr. Jabulka to come forward on that question?

He informs me our total expense runs between \$24,000 and \$25,000 a year.

Mr. HALEY. A year. How long has that been in operation here?

Mr. THURSTON. Approximately 10 years.

Mr. HALEY. So a quarter of a million dollars, roughly, has been expended in the city of Washington.

Mr. THURSTON. That does not, of course, include the cost of bringing delegations such as we have at the moment. We have six people here at the present time. We also have a home office.

Mr. HALEY. Beg pardon?

Mr. THURSTON. An office in Hawaii, which I just outlined. It costs us about \$1,500 a month.

Mr. HALEY. A month?

Mr. THURSTON. Yes, sir.

Mr. HALEY. Fifteen hundred dollars a month?

Mr. THURSTON. Yes, sir.

Mr. HALEY. I will be glad to yield to the gentleman from New York for a moment.

Mr. PILLION. Mr. Thurston, you say that the total expenditure for public relations and publicity and for the purpose of promoting the cause of statehood has amounted to a million and a half dollars, roughly?

Mr. THURSTON. Yes, sir.

Mr. PILLION. And that is all paid by the taxpayers?

Mr. THURSTON. Yes, sir.

Mr. PILLION. And some of those taxpayers, of course, are opposed to statehood?

Mr. THURSTON. Yes, sir.

Mr. PILLION. How many members do you have on the statehood commission?

Mr. THURSTON. We have nine.

Mr. PILLION. Is any one of the nine an advocate of no statehood, or one who opposes statehood—

Mr. THURSTON. No.

Mr. PILLION. Or do all favor statehood?

Mr. THURSTON. We were created by the legislature, sir.

Mr. PILLION. For the express purpose of advocating statehood and publicizing it?

Mr. THURSTON. Yes. It is a bipartisan committee, sir.

Mr. PILLION. Bipartisan, purely politically bipartisan?

Mr. THURSTON. Yes, sir.

Mr. PILLION. But not nonpartisan on the issue?

Mr. THURSTON. You are correct.

Mr. PILLION. The minority, then, of course, has no representation whatever, and there are no tax moneys used to publicize the arguments of the opponents of statehood?

Mr. THURSTON. There are not.

Mr. PILLION. Now, this statehood commission is registered with the Federal Government under the Lobbying Act; is it?

Mr. THURSTON. I do not believe it is, sir. We do not conduct a lobby.

Mr. PILLION. Let me ask this, and perhaps your representative here in Washington can tell me: You do come under the Federal Registration Act?

STATEMENT OF JAN JABULKA, EXECUTIVE DIRECTOR, HAWAII STATEHOOD COMMISSION, WASHINGTON, D. C.

Mr. JABULKA. No, sir; we do not, Mr. Pillion. As a government body, or instrument of the Territorial government of Hawaii, we are—

Mr. PILLION. Exempt?

Mr. JABULKA. Exempt; yes, sir.

Mr. PILLION. Do you know of any organization in the United States—American Legion or any other organization—that spends anywhere near the amount of money spent by the Hawaiian Statehood Commission for the purposes of publicity or the advocacy of a cause?

Mr. THURSTON. I am not familiar with those appropriations, sir. I could not testify to it.

Mr. PILLION. Now, Mr. Thurston, you said in part of your statement—

Mr. SAYLOR. Will the gentleman yield for an observation on his last question?

Mr. PILLION. Surely.

Mr. SAYLOR. Has he ever heard tell of foreign aid?

Mr. PILLION. That is a rather—

Mr. SAYLOR. Go right ahead.

Mr. PILLION. You made a statement, Mr. Thurston, that you did not believe the influence of the Communist conspiracy in Hawaii was significant.

Mr. THURSTON. That is right.

Mr. PILLION. I would like to quote to you from the last report of the Senate Committee on Internal Security, the committee which just held hearings in Hawaii during November and December. Here is what they say about the Communist conspiracy in Hawaii:

They—

meaning the Communist conspiracy there, the ILWU and the UPW, and their friends and associates—

can with a turn of purely political whims disrupt the entire economy of the islands. They exercise an influence on the political life of the islands that is significant.

Now they are evidently in disagreement with your statement; but, of course, they represent all the people, whereas you represent the statehood commission, who has an interest, of course, in advocating statehood.

Mr. THURSTON. We have had, sir, many hours of discussion on the meaning of the word "significant."

Mr. PILLION. To your own knowledge, would you say that the gentlemen who are running for public office in Hawaii very seldom turn down the endorsement of the ILWU when it is offered?

Mr. THURSTON. You are a better politician than I am, sir.

Mr. PILLION. I do not know about that. But to stick to the question, have you ever heard of many of them turning it down in spite of the known fact that they are communistically led and communistically controlled?

Mr. THURSTON. Yes; we have.

Mr. PILLION. How often?

Mr. THURSTON. I could not give you—

Mr. PILLION. You have a very good newspaper in the Star-Bulletin. They have pretty good political writers. I believe in 1954 they made the statement that out of 78 candidates who ran during that election something like 64 had received the ILWU endorsement.

Mr. THURSTON. I think if you could take the time to read the booklet we have just presented, in which we have tried to exhaustively go into that—I know that you referred to the Eastland committee's findings, and we were most happy to have the Eastland committee come to Hawaii—

Mr. PILLION. Now, Mr. Thurston, I think it is pretty well recognized that the ILWU spend something like \$200,000 per year just to spread the communistic line, the communistic propaganda, in an attempt to create an atmosphere, political and social, in Hawaii that is favorable to communism. Is the \$200,000 figure spent by the ILWU per year about right?

Mr. THURSTON. I would think so.

May I say, sir, that we are delighted that the Eastland committee was able to get the ILWU books, and we hope that a byproduct of that would be further information along that line.

Mr. PILLION. Now, then, Mr. Thurston, you also have a committee on subversive activities set up by the Territorial legislature which, I believe everyone agrees, has been doing a very good job in ferreting

out and laying open the workings of the Communist conspiracy in Hawaii.

The last legislature cut that appropriation not only to the bone, but attempted to scuttle the work of that commission by reducing the appropriation to \$20,000 for 2 years, or \$10,000 per year.

If the Territory of Hawaii can spend a million and a half dollars for promoting statehood, is not \$10,000 per year a rather throatcutting appropriation to give to a board who is engaged in, and charged with, the duty of investigating communism?

Mr. THURSTON. Taking your statement on its face, I would agree with you. But I do not think one can take it on its face value. A million and a half dollars has been spent over a period of 10 years for the statehood commission. That is No. 1.

No. 2, this same legislature that you referred to cut the statehood commission's fund, to our great dismay, from some \$200,000, down to \$90,000.

Mr. PILLION. Is that for 2 years or 1 year?

Mr. THURSTON. That is for two.

Mr. PILLION. I see.

Mr. THURSTON. The biennium appropriation. We have problems of high taxes in Hawaii, too, sir, and it was a general economy drive. The same Mr. Dillingham who was quoted twice in this testimony before, as Senate Chairman of the Ways and Means Committee, in suggesting this cut to the Subversive Activities Committee, stated that in his opinion he felt the Attorney General would be in a far better position to carry on this study than this commission. They did not cut it out; they cut it down to some \$20,000.

Mr. PILLION. You mean the Attorney General—

Mr. SAYLOR. A parliamentary inquiry, Mr. Chairman.

Mr. O'BRIEN. The gentleman from Pennsylvania.

Mr. SAYLOR. The hour of 12 has arrived, and I am extremely concerned because none of these witnesses who appeared either yesterday or today have discussed the difference in the type of legislation which is in H. R. 49, which is admission legislation, as compared with enabling legislation which has been considered at every other session of Congress. I wanted to know whether or not these witnesses were going to be available so that they could answer some further questions. Because this bill contains some very startling changes, I think we should have the expression from the representatives from Hawaii with regard to these changes.

I do not want to interfere with the line of questioning.

Mr. PILLION. I yield back whatever time I may have.

Mr. SAYLOR. I do not want the time right now because these questions have to do with a very basic difference.

Mr. O'BRIEN. Will the gentleman from Florida yield?

Mr. HALEY. I yield.

Mr. O'BRIEN. Is there some member of the statehood commission or some representative from Hawaii who would be in a position to discuss that very important matter who would be available at a later hearing?

Mr. THURSTON. Delegate Burns is here constantly, sir, and we are wholly back of his bill.

Mr. SAYLOR. The reason I ask this question, Mr. Chairman: All of the witnesses heretofore in every other hearing has testified with

regard to enabling legislation. Now this is not enabling legislation, this is admission legislation. This completely changes. H. R. 49 that we are now discussing and upon which reports have been received, is entirely different type of legislation than has been considered before. I do not know whether or not this is the right method or whether the former method which we were considering is the method which should be used.

Mr. O'BRIEN. May I say to the gentleman, if he will yield, we have been discussing in these hearings not just H. R. 49, but all of the bills on Hawaii statehood before the committee.

Mr. SAYLOR. That is true, but there has been no word of testimony with regard to this basic difference. H. R. 49 contains some statements which, as a member of this committee, I can tell you very frankly, would completely change the attitude of the people of Hawaii from what their former representatives have stated.

Just to give you an example, when Hawaii was admitted as a territory they ceded certain lands to the United States, with the understanding that upon the cessation of use they would revert to the Territory of Hawaii. Now this bill says that that basic philosophy in the original act is changed, that they do not want that any more, and it will be necessary for Congress to pass an act, as we had to do with the Fort Armstrong matter last year, to give them back to the Territory of Hawaii.

I want to know from the Territory of Hawaii and the representatives of the statehood commission whether or not they have changed their basic philosophy from their admission as a Territory down until now so they do not believe in the original act, and want to go along with this basic change.

There are questions along that line, which I think are very fundamental to statehood, that we much have answers to.

You see, even though this is the same type of legislation we had before for Alaska, we do not have the same type of question, because in Alaska the Federal Government retained all of the public domain, and in the Territory of Hawaii the Territory of Hawaii retained all of its public lands. And even those lands which were ceded to the United States were ceded under certain circumstances.

Now this bill proposes to make a complete change in that philosophy. I want to know whether or not this has been agreed upon, whether or not the Hawaii Statehood Commission has approved this and, if so, how.

I am for statehood, and if that is what the people want, I am willing to go along with that; but I do not want to be embarrassed by getting up on the floor, if we report out a bill, and be asked to explain the basic difference between these acts. For that reason I think we should have some further opportunity to ask these people to give us some answers to questions along that line.

Mr. O'BRIEN. I may say to the gentleman that at the beginning of the hearing today it was suggested these particular witnesses testify so at least two of them could return to their legislative duties. The legislature is in session there. But the gentleman has a very pertinent point.

In justice to the witnesses, I think the fault lies partly on this side of the table, because this is the first time we have gone into the bill it-

self. Apparently we have all been interested in whether a labor union is important or not.

As you say, this question is important because you can be in a difficult position on the floor when the bill itself is brought up for questioning. I think the fault is partly ours.

Mr. SAYLOR. I am not saying the fault is not ours, but I am concerned about it. That is why I feel it is important that these witnesses who are here representing the statehood commission and the legislature be available at least for some further questioning.

Mr. O'BRIEN. May I ask this: Do the witnesses feel that some other witnesses who will be more available than they are could answer those questions as adequately as the present witnesses can?

Mr. RUSSELL. Would an expression from our legislature with respect to the points raised by the Congressman, forwarded to our Delegate, be of interest or value to the committee?

Mr. O'BRIEN. It would be helpful, if the legislature would do more than just say "We are for this or that," and if they would perhaps explain to the satisfaction of the gentleman from Pennsylvania why they are accepting a different type of legislation than we have considered in the past.

Mr. RUSSELL. I am sure that can be forthcoming. I will be happy to do so.

Mr. O'BRIEN. I think it would be helpful.

Mr. Abbott.

Mr. ABBOTT. If I may, on one point raised by Mr. Saylor. If you could secure, either from the legislature or the attorney general of Hawaii, a specific comment on the use of the phrase "ownership of lands held by the military in Hawaii" as distinguished from "control of lands held by the military."

This committee in the past Congress, in disagreement with the Department of Justice on Fort Armstrong, vigorously took exception to the position of Justice, that these lands were not and had never been owned by the United States but were ceded with a recapture provision.

I think your attention, Mr. Saylor, goes directly to the use of the word "ownership" and whether Hawaii is diluting her title by accepting that provision.

Mr. RUSSELL. "Ownership" as distinguished from—

Mr. ABBOTT. "Control." Whether in fact the Federal reservations should be denominated as owned by the United States or owned by Hawaii but controlled by the United States for a particular purpose.

Is that not your question, Mr. Saylor?

Mr. SAYLOR. That is basic. You see, when we were up here in the last session of Congress on Fort Armstrong that very problem was raised by some of us on the committee wanting to know why the legislation was necessary. Under the very act by which Hawaii became a Territory those lands were ceded to the United States with a reversion, and yet the Justice Department comes along and says it is now necessary to pass an act.

This bill which has been introduced by the Delegate from Hawaii now adopts that philosophy which is completely contrary to everything that has been represented from Hawaii. The former attorneys general who have appeared before this committee from the Territory

all felt that the Department of Justice was wrong and that the reversion in the original act meant just what it said—that upon the cessation of use by the Federal Government it would revert to the Territory of Hawaii.

Now this bill takes the approach that the Department of Justice takes, which is that it is necessary to enact legislation for each and every one of these. I do not agree with them, and I think it is a basic matter with regard to statehood for Hawaii.

Mr. O'BRIEN. May we have that—

Mr. BURNS. Will the gentleman yield?

Mr. O'BRIEN. Yes.

Mr. BURNS. Actually, "cession" was not in here. It is a typographical error that came from the legislative counsel, and I intended to take it up with the committee at the time we considered the bill, rather than the raw bill here. It is one of those things that happens.

Mr. O'BRIEN. It would be of great value to the committee, however, to have this factual discussion of phraseology in the bill itself.

We do not care at this point what the legislature or attorney general has to say about communism or economic ability of Hawaii; we want this particular information.

Believe me, while it may seem technical, it is the kind of thing upon which a bill can perish. It would be helpful to have that information. We would appreciate it very much.

Before the subcommittee adjourns for the day, I would like to insert in the record the statements of those witnesses from Hawaii who were not able to testify today because of the lack of time but must return home at once. Is there any objection? If not, the statements are made a part of the record at this point.

(The material referred to follows.)

STATEMENT OF KENNETH HASKELL MANTEL, BROOKLYN, N. Y.

Mr. Chairman and members of the committee, my name is Kenneth Haskell Mantel, and my address is Brooklyn, N. Y. I am in favor of the passage of H. R. 49, a bill which provides for statehood for the Territory of Hawaii. I have supported this legislation for the past decade and I am sure that the argument and the basic reasons favoring statehood hold true today. Naturally, as in any legislation, there are persons who oppose granting statehood to Hawaii; some of these persons have honest reasons and reasonable arguments against Hawaiian statehood, and, of course, are entitled to their opinions and should be heard. There are many individuals and organizations, however, who are opposed to Hawaiian statehood, but they do not show valid reasons or reasonable arguments against statehood; indeed, their reasoning is vague, their ideas are narrow, and their outlook is poorly focused.

In 1949, opponents of this legislation were concerned about the racial makeup of the islands. At that time, I stated, "The racial organization of the Territories is immaterial—the only important consideration would be that the citizens or residents be unquestionably loyal to this Nation." I believe that holds true today.

In 1949, the opponents of statehood for Hawaii complained that statehood would spell doom for the United States as we know it. They said that Hawaii was under the domination of Moscow. At that time I stated, "Surely, the only sure way, the only honest and forceful method of combatting communism in Hawaii would be to grant statehood to Hawaii, so that the very threat of communism would be destroyed, as it should be. The last thing in the world that the Communists would want would be statehood, because in its very nature statehood spells doom for the Communists movement in Hawaii. That communism must be destroyed is axiomatic; the method for its destruction lies in statehood. Let the Congress take heed, let the people be aware that statehood for Hawaii should be immediately granted." I believe this is true today.

In 1930, I stated, "Alaska, with its wealth of potential resources and Hawaii, with its industrious population and important agricultural economy, can become self-sufficient and prosperous States." The economic implications of statehood are tremendous. I believe that our expanding economy should include Hawaii, for with statehood Hawaiian economic development will accelerate even more rapidly than in the past. Statehood would be a stimulus, not only for the present agriculturally inclined economy, but, in addition, industries would be welcomed and would establish even more firmly the economic structure of Hawaiian life.

In 1951, during the Korean war, I stated, "We are fighting today in the Pacific and we are building up our military strength as rapidly as production will permit. Yet the Congress continues to lag on one of the most important components of our Pacific defense: the incorporation of Alaska and Hawaii into the Union. It is now up to the leadership of the House and Senate to cut through the red tape and make certain that this must legislation is not lost in the final shuffle." The desperate threat posed to the free world today by the Soviet Government requires a strong Pacific perimeter. The importance of statehood holds high place in necessary legislation today.

Mr. Chairman, and members of the subcommittee, this question of statehood for Hawaii is extremely important. Our Union was formed from a federation of colonial bodies. Gradually, other territorial areas were incorporated; today we have 48 sovereign States in our great Union. The addition of Alaska and Hawaii would, in a sense, complete the Union. The advantages of statehood for these Territories are many and varied; but they are all of prime importance. Disadvantages—and, perhaps, there are some—are few. They can be ironed out and the problems can be solved. But nothing can be accomplished by allowing this legislation to die by default.

Mr. Chairman, and members of the committee, the people of Hawaii, like the people of the colonies, are taxed without proper and sufficient representation. The islanders are entitled, as are the citizens of each of the sovereign States, to full representation, with voting power, in the Houses of our Congress. This can only be achieved through the enactment of this bill.

Mr. Chairman, some opponents have expressed the fear that the passage and enactment of this legislation will open the doors of statehood to innumerable foreign territories. I cannot understand that fear. There have been no valid suggestions for statehood for any territories other than Alaska and Hawaii.

Statehood for Hawaii has had the support, for a long time, of the majority of Americans. This includes high governmental officials, mainlanders and islanders. Opposition to statehood is sparse. Yet, this legislation has been banded about for many years—unreasonably so. This Congress has the opportunity to pass this historic legislation. I urge passage.

Mr. Chairman, and members of the committee, I appreciate the opportunity for submitting this statement. May I request that each member of the Subcommittee and Committee on Interior and Insular Affairs, support this urgent legislation, that they report out this bill favorably, and that they support its passage in the House of Representatives.

Mr. O'BRIEN. The committee will stand in recess until Tuesday morning at 10 o'clock, when we will meet at a place as yet undisclosed.

(Whereupon, at 12:10 p. m., the subcommittee adjourned, to reconvene at 10 a. m., on Tuesday, April 16, 1957.)

STATEHOOD FOR HAWAII

TUESDAY, APRIL 16, 1957

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TERRITORIAL AND INSULAR AFFAIRS
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10 a. m., in the anteroom, 1824 New House Office Building, Hon. Leo W. O'Brien (chairman of the subcommittee) presiding.

Mr. O'BRIEN. The Subcommittee on Territorial and Insular Affairs will be in order.

We have a communication from the Department of the Interior signed by Mr. Hatfield Chilson, who, during his appearance before the subcommittee, agreed to submit for the record a memorandum pertaining to the international waters of Hawaii. The requested information is enclosed. Without objection, it may be made a part of the record. (The information referred to follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., April 12, 1957.

Hon. Leo W. O'Brien,
House of Representatives,
Washington, D. C.

DEAR MR. O'BRIEN: During my appearance before your subcommittee on the subject of statehood for Hawaii (H. R. 40), I agreed to submit for the record a memorandum pertaining to the "international waters" of Hawaii. The information requested is enclosed.

Sincerely yours,

HATFIELD CHILSON,
Acting Secretary of the Interior.

(Enclosure.)

MEMORANDUM RE CONTROL OF "INTERNATIONAL WATERS" AFTER STATEHOOD

It is assumed in this memorandum that in presenting a request for this information, the gentleman from Florida, Mr. Haley, referred to those "international waters" which lie between the islands of Hawaii, outside of the traditional 3-mile limit.

On March 27, 1953, the Department of the Interior prepared and presented to this committee a memorandum entitled "Application of the Commerce Clause of the Federal Constitution to Interisland Transactions in Hawaii." We attach a copy of that memorandum, and reaffirm the statements therein.

If by "control," the question relates to legislative power to regulate commerce on these "international waters," the Commerce clause (art. I, sec. 8, clause 3) of the Federal Constitution empowers Congress to legislate in this area. In the absence of Federal legislation, this Department believes that the State of Hawaii could regulate interisland transportation.

In a report to this committee dated January 13, 1954, the Department of Justice stated:

" * * * The suggestion has sometimes been made that the usual rules for Territorial waters might be liberalized in the case of archipelagoes, but the United

States has not adopted such a policy. Serious questions of policy, both domestic and foreign, are involved, which do not concern this Department. Domestically, whether the waters between the islands were Territorial waters or high seas would determine, for example whether or not interisland commerce were intrastate and so subject to local regulation. Internationally, such questions would be presented as whether the United States were entitled to exclusive fishing rights in those waters. In any case, there would be no right to exclude innocent passage of foreign merchant vessels, unless the channels were claimed as inland water, as was apparently done by the Second Act of Kamehameha III. Heretofore, as you know, the policy of the United States has been in general to maintain maximum freedom of the seas, with corresponding strict limitation of our own claims of inland waters and restriction of our claim of marginal sea to 3 miles. The advantages thus gained for our commercial naval operations throughout the world have been thought to outweigh any defensive disadvantage resulting from the restriction of our own marginal belt. " * * "

Control over the "international waters" between the islands of Hawaii, so far as the United States wishes to exert control, will remain, after Hawaii becomes a State, precisely where it has been since Hawaii was annexed as a part of the United States—in Congress. And section 18 of the bill before this committee, H. R. 49, specifically reserves jurisdiction to the Federal Maritime Board to regulate common carriers by water between the islands or between the islands and any other port under the jurisdiction of the United States.

(Attachment.)

APPLICATION OF THE COMMERCE CLAUSE OF THE FEDERAL CONSTITUTION TO INTERISLAND TRANSACTIONS IN HAWAII

Memorandum prepared by the Department of the Interior, March 27, 1958

This memorandum is directed to exploring certain aspects of the legal situation that would result if Hawaii were to be admitted as a State with boundaries that did not include the waters separating the various islands. It seeks to determine the extent to which the State could, consistently with the Federal Constitution, regulate and tax interisland commerce in the event the channels between the islands were to be considered outside the State.

It is clear that transportation necessitating passage through waters not under the jurisdiction of a State, even though both termini of the voyage lie within the borders of that State, is not intrastate commerce; where the waters traversed are a part of the high seas such transportation is foreign commerce for the purposes of the commerce clause of the Constitution. In *Lord v. Steamship Co.* (102 U. S. 541 (1880)), it was held that a ship transporting goods from San Francisco to San Diego was engaged in foreign commerce, even though both termini were in the State of California, since the ship of necessity passed outside the 3-mile limit of California's jurisdiction. This interpretation of the meaning of "Commerce with foreign Nations, and among the several States" has been repeatedly reaffirmed, as, for example, in *Hanley v. Kansas City Southern Ry. Co.* (187 U. S. 617 (1903)).

From these decisions it follows that the Congress would have full authority to regulate interisland traffic in Hawaii in the circumstances here assumed. However, it does not follow that the State would be deprived of the authority to regulate such traffic, should the Congress choose to refrain from exercising its own superior authority. The principle is well established in our constitutional law that, in the silence of Congress, the States may regulate those aspects of interstate or foreign commerce that are chiefly of local significance, provided the regulation does not discriminate against such commerce in favor of intrastate commerce. Thus, in *Wilmington Transportation Co. v. California R. R. Com.* (236 U. S. 151 (1915)), it was held that sea transportation between the mainland of California and Santa Catalina Island (also in that State) was a matter over which the State could take jurisdiction, notwithstanding that such transportation necessitated passage over waters outside California's boundaries, but it was also clearly implied that the Congress had the right to impose its superior authority if it should desire to do so. Mr. Justice Hughes, in rendering the opinion of the Court in that case, pointed out that there was a well-established distinction between those matters of interstate or foreign commerce where, if any legislation should be enacted at all, it ought to be of a national or general character, and those other matters of interstate or foreign commerce which are distinctly local in character and in which it would be proper for States to act in a reasonable

manner to meet the needs of suitable local protection in the absence of Federal action. In line with earlier decisions involving ferries operating across interstate or foreign boundary waters, traffic by vessels operating solely between Santa Catalina Island and the mainland was held to fall within the latter of these two categories.

The circumstances of interisland transportation in Hawaii seem sufficiently akin to those considered in the Wilmington case to bring such transportation within the principle of that case. If so, the State could regulate the interisland transportation, provided it did so in a nondiscriminatory manner, and provided no inconsistent action had been taken by the Congress.

With respect to the validity of State taxation of interisland commerce, somewhat different concepts are applicable. While the States may tax the property used in carrying on interstate and foreign commerce or the net profits derived from such commerce, they may not tax the commerce itself. Thus, a State may not impose a gross-receipts tax on revenues derived from the sale of interstate or foreign transportation services unless the tax is properly apportioned. In the application of these principles ferries across boundary waters are treated the same as other carriers (*Gloucester Ferry Co. v. Pennsylvania*, 114 U. S. 196 (1885)).

Situations where the transportation begins and ends within the same State have been the subject of a number of decisions. In *Lehigh Valley R. R. Co. v. Pennsylvania* (145 U. S. 192 (1892)), it was held that, though the commerce in question (transportation between two points in Pennsylvania through New Jersey) was interstate, it could be taxed by the State within which both ends of the journey were located. This view was more precisely stated in *Central Greyhound Lines, Inc. v. Mealey* (334 U. S. 658 (1948)), in which it was held that the State within which both termini of a bus journey were located could levy a tax on that part of the gross receipts from the transportation services which was proportionate to the part of the journey performed within the State, but not on the total gross receipts. A tax levied upon the total gross receipts, it was held, would unduly burden interstate commerce.

The cases cited in the foregoing paragraph indicate that Hawaii could impose a tax upon the gross receipts from interisland transportation services if the tax was an "apportioned" one, that is, measured by the portion of the receipts attributable to the portion of the services performed within the State. It is possible, however, that Hawaii might be able to tax the total gross receipts, without apportionment, for reasons indicated below.

In *Cornell Steamboat Company v. Sohmer* (235 U. S. 549 (1914)), a tax imposed by the State of New York upon the total gross receipts from water transportation between two points in that State was sustained, notwithstanding that the territorial waters of New Jersey were traversed in the course of the voyage. The court stated that "transportation between the ports of the State is not interstate commerce, excluded from the taxing power of the State, because as to a part of the journey the course is over the territory of another State." This language was sharply criticized in the *Central Greyhound* case. The Court there said (pp. 661 and 662) that the tax could have been sustained on the ground that it was not a burden, in the constitutional sense, on interstate commerce, and should not have been sustained on the ground, which the court regarded as fictional, that interstate commerce was not involved. The court further stated (p. 662) that New Jersey's relation to the water transportation involved in the *Cornell* case was "very different" from the relation of that State to the highway transportation involved in the *Central Greyhound* case. As so distinguished, the *Cornell* case would appear to support the proposition that a State can tax the total gross receipts from transportation that begins and ends within the State, but goes outside of it in the course of the journey, provided the circumstances of the out-of-State part of the journey are such that interstate commerce will not be burdened if the receipts from that part of the journey are included in the measure of the tax.

In the application of this proposition, a factor of key importance would seem to be whether the out-of-State part of the journey could be taxed by another State or foreign country, thus leaving the door open to dual taxation if apportionment is not required. In the *Central Greyhound* case, the right of the States through which the bus traveled to tax the part of the journey performed on their highways was conceded, and clearly influenced the conclusion of the court that the gross receipts tax imposed by New York must be similarly apportioned. In the *Cornell* case, on the other hand, it is doubtful whether New Jersey could have taxed any part of the gross receipts, as the transportation within that State was confined to passage through the navigable waters along its boundary.

and did not involve the use of any facility provided by the State. Since inter-island transportation in Hawaii presents no possibility of dual taxation, it could be argued with considerable force of reason that such transportation would come within the principle of the Cornell case, even as distinguished in the Central Greyhound case.

Another line of decisions governs the extent to which the State could apply its sales or use taxes to the value or sales price of goods sold by a vendor on one island for delivery to a purchaser on another island. It is well settled that goods are not exempted from State taxation merely because they have been brought into the State through the channels of interstate or foreign commerce. Where the goods originated in a foreign country, they cannot be taxed while they remain in the hands of the importer and in their original packages. Where the goods originated in another State, they cannot be taxed until the interstate transportation has ended and they have become a part of the common mass of property within the State. Once these requirements have been fulfilled, a State sales or use tax may be imposed on subsequent transfers of the goods between parties within the taxing State, so long as the tax does not discriminate against the goods because of their out-of-State origin (*Henneford v. Silas Mason Co.*, 300 U. S. 577 (1933)).

In *McGoldrick v. Berwind-White Co.* (309 U. S. 33 (1940)), the Court was called upon to decide the question whether New York City could impose its retail sales tax upon certain sales of coal made by a vendor in that city to a purchaser in that city. The coal in question was sold under contracts made in New York City that provided for delivery of the coal at the purchaser's facilities in the city. After the contracts were made the vendor caused the coal to be moved from its mines in Pennsylvania, through New Jersey, to the purchaser's facilities in New York City. The Court upheld the application of the tax to these sales, saying, in the words of Mr. Justice Stone:

"Respondent, pointing to the course of its business and to its contracts which contemplate the shipment of the coal interstate upon orders of the New York customers, insists that a distinction is to be taken between a tax laid on sales made, without previous contract, after the merchandise has crossed the State boundary, and sales, the contracts for which when made contemplate or require the transportation of merchandise interstate to the taxing State. Only the sales in the State of destination in the latter class of cases, it is said, are protected from taxation by the commerce clause, a qualification which respondent concedes is a salutary limitation upon the reach of the clause since its use is thus precluded as a means of avoiding State taxation of merchandise transported to the State in advance of the purchase order or contract of sale.

"But we think this distinction is without the support of reason or authority. A very large part, if not most of the merchandise sold in New York City, is shipped interstate to that market. In the case of products like cotton, citrus fruits and coal, not to mention many others which are consumed there in vast quantities, all have crossed the State line to seek a market, whether in fulfillment of a contract or not. That is equally the case with other goods sent from without the State to the New York market, whether they are brought into competition with like goods produced within the State or not. We are unable to say that the present tax, laid generally upon all sales to consumers within the State, subjects the commerce involved, where the goods sold are brought from other States, to any greater burden or affects it more, in any economic or practical way, whether the purchase order or contract precedes or follows the interstate shipment. Since the tax applies only if a sale is made, and in either case the object of interstate shipment is a sale at destination, the deterrent effect of the tax would seem to be the same on both. Restriction of the scope of the commerce clause so as to prevent recourse to it as a means of curtailing State taxing power seems as salutary in the one case as in the other."

The logic of this decision would appear to impel a conclusion that interisland sales of goods in Hawaii would be subject to the taxing jurisdiction of that State, even though the goods had to move across waters outside the State in the course of their delivery from the vendor to the purchaser, provided the jurisdiction was exercised in a manner that did not discriminate against the interisland sales.

Mr. O'BRIEN. Our first witness, today is Dr. Fred Schwarz of Sydney, Australia.

Dr. Schwarz.

STATEMENT OF DR. FRED SCHWARZ, OF SYDNEY, AUSTRALIA

Mr. PILLION. Mr. Chairman, as a matter of background, I would like to say that Dr. Schwarz is one of the world's foremost lecturers on the subject of communism. He is a consultant to the United States Air Force, who have used and ordered tens of thousands of his pamphlets to be submitted to the officers of the United States Air Force. He has lectured to the United States National War College last year. He is due to lecture to them again this afternoon on the subject of communism and its international implications, and I am pleased to have Dr. Schwarz with us today.

You may proceed I think now with your testimony, Dr. Schwarz.

Dr. Schwarz. Mr. Chairman and gentlemen of the committee, it is a very great privilege to have the opportunity to speak to you. I would like to say, just as a way of background to my remarks, that some of the happiest days of my life have been spent in Hawaii. I regard it as a wonderful country and wonderful people, and I have visited there many times. I have toured all the islands.

I have spoken before many groups, specifically, I think, practically every high school in the Hawaiian Islands and the relation between its people and the different nationalities is an object lesson in human relationships. And I think that the people of Hawaii are a truly wonderful people and in no sense have I anything but the very highest regard for them.

However, I would like to say this, that, looking at the situation from the viewpoint of international communism, the Communists have in Hawaii come closer to achieving one of their basic goals than in any other part of the English-speaking world, and to my knowledge I think probably in any part of the world outside of the Iron Curtain, and that is this: They have the majority of organized labor in one union under Communist direction and control. That has also been one of their specific goals and objectives, and they have been unsuccessful in achieving it in most areas of the world, but they have come closer to achieving it in Hawaii than anywhere else, to my knowledge.

The economy of Hawaii is a very simple and a very vulnerable economy. It is based on three things principally: Sugar, pineapples, and tourism, and the ILWU—the International Longshoremen's and Warehousemen's Union—has organized the workers in sugar, the workers in pineapples and the waterfront into the one union, the ILWU, and the evidence that it is under substantial Communist control is very strong indeed.

The international leader is Harry Bridges, and the Hawaiian union is directed by Jack Hall. Jack Hall, I believe, is not elected by the Hawaiian personnel of the union, but is appointed by Harry Bridges.

Now Jack Hall in his position then appoints other key personnel, particularly the public relations director, Robert McElrath, and the education director, Robert Evans Thompson.

Now I will not need to go into the background of history of Harry Bridges. I think he is quite well known on the American scene, but Jack Hall, the regional director of the ILWU in Hawaii, was convicted of conspiracy toward the United States by force and violence 4 years ago and, according to a press report that I saw, his attorney admitted that he was a Communist, but the defense was he was not

a top-ranking Communist; he was a second-ranking Communist, not a policymaking Communist, and therefore unimportant, but he has been on appeal in 4 years and has continued in his position as director of the ILWU, a very powerful position indeed.

Then Robert McElrath is a well-known personality in Hawaii, and David Evans Thompson. Both of these have been identified by sworn testimony before various legislative and other bodies as Communists.

Recently, before the Senate Internal Security Committee, they both took refuge behind the fifth amendment when they were asked were they Communists. Afterward, Robert McElrath, over the radio, denied he was a Communist, and I believe his defense is he was expelled from the Communist Party some time ago, but before a committee of the Senate he took refuge behind the fifth amendment.

So they have the majority of organized labor, that is the point that I want to maintain; I do not say the majority of labor, the majority of organized labor, in one union under Communist direction and control, and a considerable segment of labor in an associated union, the United Public Workers, which is also substantially Communist controlled and directed, the leader being Henry Epstein, who has taken the fifth amendment many times, and has been identified as a Communist.

Now I do not wish to infer that these Communist leaders do not conduct legitimate labor business. They do. They conduct a very fine union, and the danger of communism is simply this, that these leaders were dedicated Communists and so that their Communist duty can be adequately fulfilled, they must be excellent first-class labor men and they run a very fine legitimate union, and it gives them very great power with the workers whom they represent.

Now, extending that power then becomes a scientific process. Once they are in a key position within the union, they can extend that power.

Education is a legitimate function of union activity, so a percentage of the income from the union dues is put aside for education. Now the dividing line between education and Communist propaganda or agitation, to use a technical Communist term, as I will show you, is very fine, and it is reported by the subversive activities commission of the Territorial government that at least \$200,000, and possibly as high as a quarter of a million dollars is spent in this education program of the Communists, primarily through the ILWU.

This education program takes three forms:

It takes the form of newspapers—periodical newspapers—radio, and films and books. At their disposal they have 3 weekly newspapers as certain other mediums, but the 3 weekly newspapers are the Honolulu Record, the ILWU Recorder, and the ILWU Dispatcher.

The Honolulu Record is a Communist paper that is unique, as far as I know, throughout America, and will bear very special consideration. Here I have the Honolulu Record, the seventh anniversary edition.

First, September 11, 1955. The editor is a convicted Communist under the Smith Act. Members of the staff are convicted Communists under the Smith Act. It is a notorious Communist publication, but the significant thing is, technically speaking, it is not Communist propaganda.

The Communists divide their literature into two parts. They define them as propaganda and agitation. They define propaganda as that which contains many ideas to a few people. Propaganda is primarily directed to the Communists and the conscious Communist sympathizers, those whom they wish to understand Communist policy, Communist ideas, Communist objectives. Propaganda has got a limited audience.

Agitation they define as that which conveys one idea to many people. Its audience is defined as the general public, not simply the Communist personnel.

Now, most of the Communist periodicals on the mainland are propaganda. There is a difference, for example, between the *Daily Worker*, the *Peoples World*, the *New Masses*, and the *Honolulu Record*, and the difference is that primarily the *Daily Worker*, the *Peoples World*, *New Masses*, et cetera, are propaganda. Their audience is limited, generally speaking, to Communists and conscious Communist sympathizers. They are aware that they do not have a mass distribution, that they have not got an approach to the vast segments of people who are not sympathetic to communism, but in Hawaii they put out an agitation paper which is not primarily directed to communism, which is not to convey Communist directive theories and ideas.

In Hawaii they can get that through the *Daily Worker*, but they have a mass distribution base and it poses primarily as a labor paper. Now that has been very successful, as you can see by the fact that in spite of this being a notorious Communist paper, in spite of the fact that its editor is a convicted Communist under the Smith Act, in spite of the fact that four members of the staff are convicted Communists, many non-Communists and public officials sent paid advertisements and greetings to the anniversary edition as late as September 11, 1955.

I have here a list of—I will not mention the businessmen; it is just full of advertisements from businessmen—but the officials and legislators who have given paid advertisements in this edition:

Page A-4:

- (1) John A. Burns, chairman, Central Committee of the Democratic Party

Page A-6:

- (2) Friends at City Hall
- (8) James K. Murakami, Honolulu City and county auditor

Page D-2:

- (4) Senator William Nobrigo, member of Hawaiian Legislature

Page D-3:

- (5) Edwin A. De Silva, county auditor
- (6) Jimmy Kerloha, county chairman

Page F-3:

- (7) Manuel Rodrigues, auditor
- (8) Nadalo Yoshinaga, representative member of Hawaii Legislature
- (9) Shigeru Miura, supervisor

Page I-3:

- (10) Chris Watase, supervisor
- (11) Hiroma Choriki, supervisor
- (12) Louis "Smoky" Gonsalves, supervisor
- (13) Kunji Omori, county engineer
- (14) Tony Kunimura, supervisor
- (15) Toshio Kabutan, county attorney
- (16) Toshio Serizawa, representative, Hawaii Legislature
- (17) Tom Okura, supervisor
- (18) Raymond Sousa, supervisor
- (19) Toshiharu Yama, representative, Hawaii Legislature
- (20) Manuel Henriques, representative, Hawaii Legislature

As you can see, there are 20 paid advertisements by officials and legislators of Hawaii.

Mr. O'BRIEN. Dr. Schwarz, at that point do you not think, in all fairness, if we are to have a list of politicians who may have advertised in that paper, that we should just wave aside the business firms which advertise there? I think it might round out the reason perhaps for the advertising.

Are some of those firms substantial firms in Hawaii?

Dr. SCHWARZ. I think some of them are substantial.

The point that I am trying to make here is not so much to criticize these folks as to show that the Communist policy has been so successful that legitimate people think it normal to associate with a notorious Communist publication.

Mr. O'BRIEN. Yes, I understand that point, but I just wanted to bring out that it was not just a group of politicians who were advertising.

Dr. SCHWARZ. The list was too big in the time at my disposal. There were literally hundreds of business firms, particularly in the outer islands.

Mr. O'BRIEN. The point I am making is that a great many firms which by no remote connection could be considered communistic are advertising therefor, whatever their purpose may be, and it is not just politicians.

Dr. SCHWARZ. Yes, I agree, since I am going to deal with their influence in legislation later.

Mr. MILLER. I think that is the point. Their influence on legislation is entirely different. They have little influence on legislation. They represent large bodies of people like ourselves who are influencing legislation, and it is important to have the full list favorable to that type of legislation.

Dr. SCHWARZ. I could mention, too, the anniversary edition in 1957 does not contain these long lists of advertisements by businessmen and by politicians.

Now, whether that was because these businessmen and politicians have become aware of the situation and refused to advertise, or whether it is deliberate Communist policy so as not to embarrass them, I am not in a position to say, but as late as 1955 it was considered normal apparently and politically advantageous by a very considerable body of people in the Hawaiian Islands to send greetings and paid advertisements through a notorious Communist periodical.

Mr. O'BRIEN. And economically advantageous to some.

Dr. SCHWARZ. Economically advantageous to quite a number. So they have their periodicals.

In addition to that, they have got their radio program. Robert McElrath is the principal newscaster. He is on an interisland hookup each evening. I believe the time is now a quarter to 7. He is very clever and most of his program, if you listen to it, just deals with news, mostly local news, labor news, and even matters of public interest and public benefit, and it is a clever program, but if you study it very closely, you will also notice that the emphasis tends to correspond with the hidden emphasis in the Daily Worker.

But Robert McElrath has a daily program in English, they have a daily program in Filipino in the Ilocano language, and they have a weekly program in Japanese.

In addition, they have established the ILWU film library and the ILWU book-lending library. They have made a special effort to influence the educational world by giving special rights to schoolteachers at the ILWU lending library.

I would say in passing that from my experience their success at infiltrating education in a way has been much less than their success in many other realms, and I have been privileged to be associated with many of the educational leaders. I have spoken at the high schools, quite a number of them, not only high schools in Oahu but also the high schools on the sugar plantations on the main island of Hawaii and Maui, Molokai, and Lanai, and I found there children of these ILWU workers who are patriotic Americans and very fine, and it is a tremendous experience to speak to the children in these high schools in Hawaii.

And as far as I can discern, their influence in the schools and in education had not reached to any very great depth.

Mr. ROGERS. May I ask a question?

Who pays this announcer?

Dr. SCHWARZ. He is paid by the ILWU.

Mr. ROGERS. I mean do they sponsor the program and advertise it as being sponsored by—

Dr. SCHWARZ. It is an ILWU-sponsored program and advertised as sponsored by the ILWU.

Mr. ROGERS. Can you give us an example of the cleverness you speak of in the way he does it?

Dr. SCHWARZ. That is rather difficult, but when he is, for example, dealing with the visit of the Senate committee, Senate Internal Security Committee of the United States to Hawaii, the whole emphasis is that here is a union-busting committee coming over and they would play up the fact of the personnel and the regions they represent of different members of the committee, and they represent the entire program not as an attempt to expose communism, but as an attempt to smash the union, and they try and hide communism behind the legitimate union.

To give you some idea, when the subcommittee trial was in operation—and I am informed of this by Dr. Lisle Phillips, and members of the public in Hawaii take a great interest in this—they say Robert McElrath, who was reporting the evidence of a certain ex-Communist at a certain closed Communist meeting of who those present were, when he came to the name McElrath, he stopped and said the McElrath referred to is your commentator and then on he went.

I have not listened personally to enough of his programs to give you the details.

Mr. ROGERS. What is his personal background?

Dr. SCHWARZ. His personal background as I know it, they say for many years now he has been the broadcaster of the public relations member of the ILWU. He has also taken the fifth amendment. He has just been given immunity so he can be asked to testify again by the Senate Internal Security Committee.

He is a paid official of the ILWU and he himself says he was expelled from the Communist Party for nonpayment of dues.

Mr. ROGERS. He does have a history of having been associated with the Communist Party?

Dr. SCHWARZ. A very definite history and a very definite present record of supporting and substantiating—

Mr. PILLION. Is Mr. McElrath also one of the prime lobbyists engaged in attempting to influence legislation in the Hawaiian Legislature?

Dr. SCHWARZ. He is the prime lobbyist of the ILWU. I will give you his background.

ILWU publications director identified as having been a member of the Communist Party Territorial Commission on Subversive Activities, 1955 report, one of the reluctant 39 who refused to answer questions about Communist affiliations before the House Committee on Un-American Activities in 1950; refused to answer questions about Communist affiliations before the United States Senate Internal Security Committee in 1956.

According to the Honolulu Star, March 20, 1957, McElrath said the union definitely helped kill the appointment of Peter Dupest to the Commission on Labor and Industrial Relationships because Dupest is a member of management.

He also suggested to some senators that Carl Christenson, an appointee to the Harbor Board, was not the man for the job, but that they did not speak to a majority of the senators during the special session.

Since we are on this question now, I will anticipate a little. I just have a copy here of the March 28 edition of the Honolulu Star-Bulletin, and it says: "The ILWU and how it works at Iolani Palace."

That is the headquarters of the Territorial legislature.

Mr. PILLION. Will you identify those people in those pictures?

Dr. SCHWARZ. They sent a photographer down to picture the lobbyists here and it just says. "How far does communism influence reach in Hawaii?"

And then it goes on and shows that the ILWU had also at the capital Robert McElrath, chief propagandist; Frank Mendoza, lobbying chairman; and Russoz, negotiator.

Mr. O'BRIEN. What newspaper is that?

Dr. SCHWARZ. Honolulu Star-Bulletin, March 28, 1957.

Mr. O'BRIEN. That might be described as an exposé piece.

Dr. SCHWARZ. This is an exposé piece of the lobbying of the ILWU in the Honolulu Record and the United Public Record.

The lobbyists with Communist associations here are Robert McElrath, Frank Mendoza, and Russoz is an ILWU negotiator. I cannot say whether he is the communism-proven affiliation there.

Then the different political leaders: Senator Abe is the senator for the first district of Hawaii, Fernandez, for the Honolulu Record, and he is the chief stockholder and he has been identified as a Communist, too.

Mr. PILLION. These photos were taken in the Iolani Palace where the Territorial legislature meets, is that correct?

Dr. SCHWARZ. It says:

The pictures on this page were made by Warren Roe, Star-Bulletin staff photographer, without the knowledge of those photographed. Roe knew none of the subjects who appeared with ILWU and UPW personnel. He was instructed only to identify the agents of these unions and to photograph anyone who happened to talk with them. The pictures were taken on three different occasions.

Mr. O'BRIEN. The newspapers printed that exposé and denounced the conditions that you refer to, how do they stand on statehood for Hawaii, do you know?

Dr. SCHWARZ. I do not know, actually. I think, like all the other newspapers and most Hawaiian citizens, they favor statehood, but I do not think they favor playing down the Communist danger and sweeping it under the rug as an excuse for statehood.

For example, there is an organization in Hawaii, the finest anti-Communist organization of my experience working locally within America, the Hawaiian Riskins Association of IMUA, and I know this newspaper gives it very considerable support. So they extended their influence from simple control of the union into the field of the propaganda, which gives them control in large measure over public opinion, and so they are in a position to dispense political patronage.

This great propaganda program gives them considerable influence upon public opinion. This can be translated into political patronage. It is difficult to be elected to any office in Hawaii when opposed by the ILWU.

This gives the Communist ILWU leaders ready access to the legislators elected with ILWU backing, and great influence in legislation.

Another advantage to the Communists accruing from their strategic positions within the ILWU and its programs is that they have obtained social acceptance and respectability. The danger they represent is forgotten in the friendly tactic of the moment.

I think the only place in the American mainland where you would find civic leaders fraternizing on a social basis with convicted Communists is with Jack Hall and his cohorts in Hawaii. Recently they held an appreciation banquet for Jack Hall throughout Hawaii and a great number of civic personalities attended.

Mr. ROGERS. What were they appreciating?

Dr. SCHWARZ. The wonderful contributions that he had made to the welfare of Hawaii; first of all, in his work to improve labor conditions, and through labor conditions his work throughout there, we were treating him as a great hero, a convicted Communist convicted 4 years ago, and an acknowledged Communist who had admitted he was a Communist during the trial.

Mr. ROGERS. What was the date of those banquets?

Dr. SCHWARZ. I could not give the date of them.

Mr. ROGERS. Recent?

Dr. SCHWARZ. Not in 1956.

Mr. ROGERS. I wonder why that was not played up in the papers.

Dr. SCHWARZ. It was played up to this extent: that the attorney general attended one of the banquets.

Mr. ROGERS. You mean Mr. Brownell?

Dr. SCHWARZ. No; the attorney general of Hawaii. And the Governor of Hawaii dismissed him from his office for attending the banquet; I am just speaking from memory now—I do not have my notes—but as I remember, his name was Mr. Silva. He was attorney general. He attended the banquet in honor of Jack Hall, the convicted and acknowledged Communist, and he attended when he was attorney general of Hawaii, and the Governor dismissed him for that.

Mr. O'BRIEN. He was not elected, was he?

Dr. SCHWARZ. He was appointed by the Governor.

Mr. O'BRIEN. He came into office under the existing Territorial situation?

Dr. SCHWARZ. Yes.

Mr. BURNS. Do you know anything about Mr. Silva's background?

Dr. SCHWARZ. Only the little that they have told me, that he had a very strong anti-Communist background and he was, I believe, Territorial superintendent of education in Hawaii. I am not sure if it was in Oahu.

Mr. BURNS. You are correct; Territorial superintendent of education. He was the chairman of the board of education.

Dr. SCHWARZ. And he had a very strong anti-Communist background and many people were overwhelmingly surprised.

Mr. BURNS. Was he not chairman of the subversive activities commission up until the time he became attorney general?

Dr. SCHWARZ. I believe he was chairman of the subversive activities commission up until that time, and people were surprised because of his reversal of the position because Jack Hall, whom he denounced categorically during his tenure as chairman of the commission, and who has never officially in any sense renounced Communist affiliation or Communist ideas, was the man in whose honor he attended these banquets.

Communist arrogance in Hawaii is manifest by a couple of incidents. For example, the Secretary of Labor of the United States visited Hawaii in late 1956, I believe it was. The sugar negotiations were in process between the union and the sugar industry and the chief negotiator for the union was Jack Hall, and the Secretary of Labor expressed himself as astonished and alarmed that the chief negotiator was a convicted Communist. Well, Harry Bridges, who was over there for the occasion, took offense, stood on his dignity and said, "We resent this very much. We will suspend negotiations until the Secretary of Labor leaves the Hawaiian Islands."

Well, the Secretary of Labor left and they resumed negotiations.

I am not suggesting that he left because Harry Bridges said he was to go.

Mr. ROGERS. But negotiations were suspended when Harry Bridges said for them to be suspended, regardless of what reason?

Dr. SCHWARZ. Yes; negotiations were suspended.

Mr. MILLER. I hope you will cover also the incident, or what happened when the Senate Internal Security Commission went there and he also made some threats there at that time.

Dr. SCHWARZ. I am also going into that point.

The Senate Internal Security Committee visited Hawaii.

Mr. MILLER. In late 1956.

Dr. SCHWARZ. In late 1956. I think most folks agree that the Senate is a very honored and substantial body and the committee is its official representative body, and it was a great honor for Hawaii that the Senate of the United States should visit it.

Well, when they went there, Harry Bridges went across there and declared at a stopwork meeting, declared against this union-busting committee, as they called it; tried to play up the racial discrimination angle to project that into the Hawaiian scene where there is greater racial harmony than in any place, in my experience, in the entire world; called a stopwork meeting in which a considerable number of them went on strike.

I was astonished to find they even played favoritism. They did not try to stop work everywhere. It was on the island of Maui.

They did not ask their workers to go on strike. They said relations between this company and the union were so good that they did not ask their workers to go on strike, but they were called on strike in considerable numbers.

Harry Bridges made a speech in, I think it was the civic auditorium and then they had a march on Iolani Palace, and it showed a complete contempt on the part of the labor leaders and they did not feel it would embarrass their position in any way to take such an outright stand against the committee.

Mr. ROGERS. You say some of the companies did not cease work. Was the reason they did not because Harry Bridges told them they should not cease work?

Dr. SCHWARZ. In some of the instances.

In Maui they told me that the union told the employers of, I think it was the Hawaiian Pine, not to go on strike because relationships between the company and the union had been so good that they did not want to penalize them.

Mr. ROGERS. But you feel if Harry Bridges had said for them to go on strike, they would have gone on strike?

Dr. SCHWARZ. In certain places. In the island of Hawaii, I spoke with one group where they were told to go on strike, but they did not, and one area where they did not go on strike even though they were encouraged to do so by the union, and there were a few places of isolated rebellion like that, but there were other places where the union did not try to get them to strike.

Mr. ROGERS. What happened in the case of isolated rebellion?

Dr. SCHWARZ. I do not know, and I do not think that any profound disciplinary action will be taken, but I think it is very probable that the leader of that case of isolated rebellion may find that his position as a business agent or something of that nature may be in future jeopardy.

Mr. ROGERS. Doctor, is it your opinion, from your experience in this particular situation, that if Harry Bridges or a man of his position, whether it be Harry Bridges or someone else, should decide to call a general strike in the Hawaiian Islands, that would damage the economy of that island, that that order would be obeyed?

Dr. SCHWARZ. It is my opinion that he is in such a position of potential power that he could choose on some industrial incident and bring about a strike that would throttle the economy of the islands.

Lenin makes this very clear in his textbook, *Leftwing Communism and Internal Disorder*.

They define what they call industrial strikes and political strikes.

An industrial strike is a strike which is designed to improve workers' conditions.

A political strike is a strike which is designed to destroy the foundation of capitalist economy and bring about a revolutionary condition suitable for communism.

Now, Lenin says it is only in isolated circumstances that you can call a political strike. In a way they call political strikes, but these political strikes are usually of short duration; the members do not have much enthusiasm for them.

They called a political strike when Jack Hall was convicted. They called a political strike when—well, a stop-work meeting they called it—when the Senate Internal Security Committee visited the islands, but what the Communists would do would be to seize on some industrial issue and, as Lenin says, call an industrial strike and transform that into a political strike. I believe they have the potential to do that.

Mr. ROGERS. Your position, then, is that if it was called as a political strike, there is a situation that could develop where there might be rebellion among some of the workers, but if it was called as an industrial strike it would be obeyed and it would have the same identical result as if it had been a political strike?

Dr. SCHWARZ. Yes.

Mr. ROGERS. And the throttling of the economy, the result sought, would be effective?

Dr. SCHWARZ. Yes, and if they were doing it as a long-range plan, they would do it as an industrial strike and not a political strike.

Mr. ROGERS. And Harry Bridges has the power to do it?

Dr. SCHWARZ. They have the potential power to do it.

Mr. ROGERS. I do not mean potential.

Dr. SCHWARZ. He has the power to do it now, then.

Mr. O'BRIEN. Then it is your considered judgment that Harry Bridges and some of his followers among the leadership of this union have the power to bring about a strike in Hawaii which could be catastrophic to our national defense, because Hawaii is such a key place in that national defense; is that correct?

Dr. SCHWARZ. Yes.

Mr. O'BRIEN. Then would not that catastrophe be just as great if Hawaii was a Territory as if it was a State?

Dr. SCHWARZ. You gentlemen will have to determine that.

Mr. O'BRIEN. I am speaking now of national defense.

Dr. SCHWARZ. Because it would be impertinent for me as an Australian to be interfering in your internal affairs and talking either for or against statehood for Hawaii. But, asking me that question personally, I would say that the real danger in Hawaii rests in the power of a handful of Communists over basic labor in the economy of the islands, with the extension of that power into the realm of legislation, and that no matter what the political setup was, while they remained in that position that power would remain in and the danger would be great, if that answers your question.

Mr. O'BRIEN. Yes, it does in part.

You indicated earlier that some of the very powerful newspapers in Hawaii have been engaged in exposing this situation you mentioned in your testimony, so obviously they have not reached the press as we know it.

I am not talking about the record now; I am talking about your regular newspapers, your noncommunistic newspapers.

You also testified that in spite of this great power, they have not reached into the schools. I think that is a very significant statement.

You mentioned, I believe, that even the children of some of these people have not been corrupted by this propaganda, is that correct?

Dr. SCHWARZ. That is correct.

But I still would like to bring the point out if I can, there is still the point that I have also shown that through this power, not in the name

of communism, because Communists do not work in the name of communism, it does give them very great influence in legislative and administrative policy. And I think the question of statehood, if I can mention it, the question is, in the event of statehood, would they be able to multiply that policy from the purely national environment of Hawaii into the international scene or into the—from the purely local environment of Hawaii into the national scene of America; would that same situation be able to enlarge itself.

Mr. O'BRIEN. Are you not suggesting, in effect, would it be possible for them to elect a Communist or two Communists to the United States Senate, and a Communist to the House of Representatives?

Dr. SCHWARZ. No, I do not think they would have the slightest chance of electing a known Communist.

What I am suggesting is that the person whom they elected would almost inevitably be elected with ILWU support, which would have to be with the approval of the leaders of the ILWU and, consequently, he would tend to be subject to pressures, either direct or indirect, that they would bring upon him. I do not think there is any possibility that they would elect a known Communist, a crypto-Communist—that is a person who denies his communistic association and operates as a legitimate labor leader with no known Communist affiliations. They might elect such a person, but I am not suggesting for 1 minute that a known Communist would have any chance of electing an official in Hawaii.

Mr. MILLER. What influence do you think they had on the last election as to people running for the legislature?

Dr. SCHWARZ. I think in the last election their batting average was very high—I think between 80 and 90 percent. I do not have the official figures, but a very high percentage of those sponsored by the ILWU were elected to office.

Mr. BURNS. If I remember correctly, Doctor, when the announcement was made that the Internal Security Committee of the Senate was coming to Hawaii, Harry Bridges made a statement that he was going to close the place up, and I think that was the original statement, was it not?

Dr. SCHWARZ. I was out of the country at the time, and if you say so, I am prepared to accept it, yes.

Mr. BURNS. I am pretty sure that that was the statement, that the ILWU was in its entirety going to stage a mass walkout, and if I also remember correctly, the final showup of those who did turn out was very minor, although I was not there either at the time. Was it a strong showout?

Dr. SCHWARZ. No. They tell me there that in terms of a public meeting, he had a good attendance for a public meeting in the auditorium, and there were something between 500 and a thousand on the island of Oahu who voluntarily came out to attend this protest of Harry Bridges.

Mr. BURNS. Do you know whether the relaxation of their request for the people to strike was due to the excuse given to management, or whether it was due to the reason that they could not get the people to turn out for that political strike?

Dr. SCHWARZ. That I could not say, but I would say this: that it is always, in Communist theory, a most difficult matter to get a political strike; and Communist theory says a political strike is only an occasional gesture, not very important. What you must do is be in such

a position that you can call an industrial strike where the real interests of the workers of the moment are involved, and transform that into a political strike.

The power to act on a purely political thing, the direct power, is not the great threat of Harry Bridges; it is the power that they have through their position within the union to use industrial power and indirectly to influence legislation and associated things.

Mr. BURNS. In other words, then, the devil is carrying the cause of the angels, is what you are talking about?

Dr. SCHWARZ. The problem of communism is not shall we do evil that good may come, but shall we do good that evil may come, because the local proposition which they suggest is frequently a good one and worthy of support were it not for the ultimate evil objectives that they are intending to bring into being.

Mr. MILLER. They did have a contempt and defiance of the duly constituted committee of the United States Senate and they showed it to great effect by calling a walkout, a strike.

Dr. SCHWARZ. Their position is this:

They are so powerful that they can do all these things, they can express contempt for the Senate of the United States and the Government, and their position within the union and all the advantages that accrue therefrom is not apparently influenced in any way.

Mr. BURNS. Doctor, you mentioned that they had between five and six hundred turn out at this particular meeting that they spoke to in the civic auditorium. Do you know how many members they have on the island of Oahu, in any round figures?

Dr. SCHWARZ. I believe about 24,000 members altogether in the Hawaiian Islands. Now, what percentage of those would be on the island of Oahu—what I would say is this: that percentagewise, it is an infinitely higher turnout than most union meetings that they have anywhere throughout the country, because one of the great facets of Communist control is simply this, that union attendance is always so small that a handful of Communists are able to project their will and their opinions as the policy of the whole union. And I would say on the island of Oahu their membership would probably be between five and ten thousand, would it not?

Mr. BURNS. I think it would be, roughly.

Dr. SCHWARZ. Roughly, and percentagewise it was not a big attendance, but for a union meeting it was a very big percentage.

Mr. BURNS. You are talking about union meetings back here, but not in Hawaii. I will agree in principle on union meetings, but I would like to see it not applied where you do not know, because I think union meetings are better attended in Hawaii.

Mr. PILLION. The newspaper accounts for the turnout for the demonstrations against the Senate Internal Security Committee meetings ran in the neighborhood of about 6,000; is that about right, would you say?

Dr. SCHWARZ. My memory has evidently failed me on that point.

Mr. PILLION. Assuming this situation in the lower house of the Territorial legislature, would you say that the Communist Party has a significant and almost vital control of the legislature, assuming the recitation that I want to give, that from east Hawaii are 4 members representing that area in the lower House, 3 members were endorsed by

the ILWU. In west Hawaii 4 members out of 4 were endorsed by the ILWU, and are not sitting in the lower house.

In Maui, 4 members out of 6 were endorsed by the ILWU and elected and are now sitting in the Territorial legislature.

In Oahu, in the fourth district, 3 out of 6 were elected with the endorsement and help of the ILWU. In the Oahu fifth district, 4 out of 6 members were elected with the endorsement and with the help of the ILWU. On the island of Oahu, I do not have that, but assuming that that number were elected and assuming a close cooperation in the one-head organization of this political power, would you say, Doctor, that they have a terrific political stranglehold upon the Territorial legislature?

Dr. SCHWARZ. I would say, in answer to that, that even laying aside some of those assumptions, that I think to any honest person it must be acknowledged that they have tremendous power with the Hawaiian Legislature, in that a majority of them have been elected with their open and expressed support and that undoubtedly it must give them tremendous power with the legislature in Hawaii.

Mr. BURNS. I think that, actually, that statement there, if it were made as such—not your presumption but the general statement that they have control—is a libel on excellent outstanding Americans.

Dr. SCHWARZ. I did not say control.

Mr. BURNS. I note from the record here that among the illustrations of the ILWU endorsement are Mr. Austin and Mr. Calmas, who are both outspoken opponents of the Communist Party and of communism in the Territory, yet they were endorsed by ILWU. They happen to be Republicans.

Mr. PILLION. Did any of these gentlemen turn down the endorsement when they knew that they had it?

Dr. SCHWARZ. May I make this statement?

You will note I did not say control. I am trying to be honest and I am trying to be moderate, and I would say that the endorsement by the ILWU undoubtedly implies a readiness to be approached by the ILWU representatives in terms of specific legislation, and it undoubtedly will give them very considerable lobbying influence. Now, that is the statement that I make.

Mr. BURNS. For the sake of the record, I would like the gentleman to know it does not imply that on the part of anyone that was endorsed here. I do not know about too many, but I will speak for myself. I did not ask for endorsement.

Dr. SCHWARZ. We would like to get this point clear. I understood that these folks endorsed were not sort of consciously and individually endorsed by the ILWU, and that the ILWU endorsed them without their choice and without their knowledge.

Mr. BURNS. I am thankful you put that in the record because I am pretty sure that that happened.

Dr. SCHWARZ. From the information that I received, that may be so, and I do not want to state dogmatically, but the information that I have received was that these people were consciously endorsed by the ILWU, that they did not reject the ILWU endorsement, and that very many of them sought it.

Mr. MILLER. Do you know whether any of them came out and said anything in opposition to the endorsement, "We do not want your endorsement"?

Dr. SCHWARZ. I do not know of any of them.

Mr. MILLER. Did the Delegate of Hawaii come out and say, "I do not want their endorsement"?

Mr. BURNS. If the gentleman will yield, I was proud to accept the endorsement of the stevedores, the pineapple workers, and the sugar workers throughout the Territory, just as I was proud to accept the endorsement of other labor organizations throughout the Territory.

Mr. DAWSON. You mentioned two of the legislators who disavowed communism. Are we to understand that the rest of them did not?

Mr. BURNS. No. They are all opposed to communism.

Mr. DAWSON. Are there any others, other than just the two, who were avowed opponents of communism?

Mr. BURNS. All of them.

Dr. SCHWARZ. May I suggest at this point, gentlemen, that the Communists are very clever and in Hawaii they do not mind if you oppose communism as such, because they operate in other ways. Their strength is in their position within the ILWU, and provided you do not try to interfere with that position in any way, they do not mind if you scream your head off over communism in general because communism throughout the world today is not operating in the name of communism. They have never conquered any place in the name of communism yet. They conquer in the name of some legitimate need, and some legitimate need of the people, so that the Communists in scientifically organized key positions of power can manipulate it for the purpose of Communist objectives.

Mr. DAWSON. They do indirectly what they know they cannot possibly do directly?

Dr. SCHWARZ. Exactly, and if I could make this statement: How seriously we regard communism in Hawaii depends on how seriously we regard the Communist threat. If communism was just a local group of discrete organizations, it would be serious and would have to be considered as such, but when we see communism as a unity throughout the world, which has conquered 900 million people, which has a vast military power, which now is so serious that it involves possibly 60 percent of our taxes paid over by Americans in a defense program against it, and when we see established bridgeheads of this international conspiracy in a country such as Hawaii, it becomes desperately serious.

Mr. PILLION. Would you say that the apparatus in Hawaii is a militant, well-organized, well-established part of the international communistic apparatus?

Dr. SCHWARZ. With all my heart, I believe that is true.

May I make myself clear on this point: If I were asked, "Are there many Communists in Hawaii," I do not think so. If I were asked, "Is there a higher percentage of Communists in the population of Hawaii than in California or New York," for example, I would have to say "No, I do not think so."

What makes communism serious in Hawaii is the key position of these Communists in labor, with the advantages that grow from it and the potential power that they have over the economy and the life of the island.

Mr. O'BRIEN. Would you not also say that the Communists of New York State are a militant organization and that they have made

some strides in controlling labor organizations in various strategic parts of the State. I have in mind specifically Schenectady, N. Y., which has the big General Electric plant there with many key defense contracts, and the Un-American Activities Committee revealed not too long ago that there were a number of left-wing labor leaders in Schenectady, but from my personal observation, those leaders have never been able to control the votes of the union members in Schenectady.

Most of the time I would say, in my experience, Schenectady has had a Republican mayor, not in the present instance he is not, but in most instances, a Republican mayor, who is not supported by those leaders.

The big question, to me—I know all about Harry Bridges and I know his power to call a strike, because we know that very often people go out on strikes because they are afraid not to—but how far does his control of the individual vote of the individual worker in Hawaii go? That is the important thing for this committee, it seems to me.

Dr. SCHWARZ. Now, that is a long question.

Mr. O'BRIEN. The last part will be stricken.

Dr. SCHWARZ. I would like to say something about the situation in New York. Now, communism in New York is serious, and Communist control of the United Electrical Workers was a running sore on the economic life of America, but they did form the International United Electrical Workers in association with the CIO, which smashed tremendously the Communist power, and in no sense have the Communists in New York, in organized labor, been under one union under Communist control. The situation, therefore, in New York and in Hawaii is not completely analagous.

Mr. O'BRIEN. How about the teachers union?

Dr. SCHWARZ. There are individual unions, but the majority of organized labor is not under Communist control in New York. The majority of organized labor is not. The majority in Hawaii is under Communist control.

Mr. O'BRIEN. Does that extend to the ballot boxes?

Dr. SCHWARZ. With regard to the second point, in Hawaii I do not think that direct control with regard to the ballot boxes is present in Hawaii, but I think that, through the mechanisms I have indicated, through their educational program, which reaches practically every individual in the islands they have a control of public opinion, not a control—I want to be very careful when I say “control”—an influence upon public opinion which can be transformed into political influence more effectively there than, to my knowledge, any other place in America.

Mr. O'BRIEN. When you speak of that influence, let us take any association that might be strong—the National Association of Manufacturers or a dozen organizations. They have a certain amount of influence, but your contention here is that it is a stronger influence and a more evil influence.

Dr. SCHWARZ. Because of its unique position.

Mr. O'BRIEN. But it is the same kind of pressure.

Dr. SCHWARZ. The same kind of pressure, but it is more isolated and more universal and more centrally directed, and more ready access to more people, which makes it more potent in Hawaii.

Mr. O'BRIEN. It has not reached the schools?

Mr. SCHWARZ. I said as to my experience, that their influence in the school—I was unable to find much Communist influence in the schools.

Mr. BURNS. First I want to get the record clear as to bringing up the question. I only used those two examples because they were outstanding Republicans. Every one of the gentlemen in the legislature is strongly and firmly anti-Communist. They are A-No. 1 Americans all the way through, and I will vouch for every one of them.

Mr. DAWSON. Do you agree on the figures he gave as to the number who have ILWU support?

Mr. PILLION. I do not want to use the names, but you can have them if you want them. They are right here, and if they are wrong you can correct me. I did not want to use the names.

Mr. BURNS. Eighteen out of the 30 in the house were endorsed by the ILWU local political action unit on each county.

Mr. O'BRIEN. Is it not a practice sometimes to endorse because you know a person is going to win and you want to show your power?

Dr. SCHWARZ. You are far more experienced in the ways of politics here than I am, but I still think that we must not play down the fact that the ILWU, through its mechanisms, has influence on public opinion which can be translated into political patronage.

Mr. BURNS. That is correct.

The question is whether the Communists have that control and how far that goes and how far you differentiate the ILWU as to membership, and how far the Communists control in there.

Dr. SCHWARZ. If we made that specific differentiation, there would probably be no union in the world that is Communist and the evil genius of communism is this, that they can take normal people—if I can give one illustration of how deadly effective Communist control is at a crisis moment, I think you will find this very interesting:

In 1949 in Australia, through their control of the coal miners' union—our coal miners' union is officered not by Communists who are alleged to be Communists, but by self-proclaimed Communists. The economy of Australia depends on coal and the unions at that time in Australia—Communists controlled about one-third of our union membership, which was a terrifyingly high percentage, but not as high as it is in Hawaii; that is, the unions where the top executive officers were Communists.

Well, to make a long story short, we had a labor government in power, a Socialist government. They declared a strike in the middle of winter, and immediately hardship became the lot of the Australian people. Gas was allowed for only 1 hour in the morning and 1 hour in the evening, and 1 hour of electric light at any time. For a gas fire, you had to have a medical certificate. Hundreds of thousands were out of work because the electricity was cut off, and the Socialist government declared that it was a revolutionary assault upon the economy of Australia and they took radical action.

They froze union funds, they put the army in the open-cut coal mines, to mine the strip coal mines, and they took drastic action.

The point I am trying to make is this: They were able to get enough coal through the army to maintain public utilities and carry on long enough for the forces inherent to break the strike, and the basic reason for that was that the railway workers in New South Wales transported the coal mined by the army and they stood with the government, and they were a portion of the mechanism of our preservation.

The railway workers in Victoria, the adjacent state to New South Wales, with no difference whatsoever, refused to move the coal by the army. They declared it black—or hot, in your terminology—and they were an integral portion of the Communist conspiracy.

Now, the only difference in those two groups of railway workers was that the secretary was an anti-Communist and the secretary in Victoria was Jack E. Brown, a Communist, and during the crisis moments when the very life of the country was at stake, because you can starve to death in a modern city in 2 weeks, the behavior of thousands of other men was legally at the disposal of these people because they were legally entitled to make the decisions, because, to get a mass meeting, you have got to give 14 days notice in writing or something. In those 14 days, that 1 person in a strategic position of power at a crisis moment has a terrific power.

Mr. O'BRIEN. I think you have pinpointed the problem to a great extent.

Is it your considered judgment that if the union people in Hawaii were to do what they did in Schenectady and some other places, and were to throw out Harry Bridges and his ilk, would you then think that the Communist threat in Hawaii, judging from what you have said about the schools and other things, would be negligible?

Do you think it is the position of these Communists in key positions that constitutes the real threat? Is that right?

Dr. SCHWARZ. Yes.

Mr. O'BRIEN. And if the union itself were to get rid of these people, you do not think there is any substantial communism among the rank and file workers?

Dr. SCHWARZ. That is right.

Mr. DAWSON. Using the reverse of that, it is very evident that the ILWU is popular in the islands by reason of the fact that the members of the legislature you speak of did not disavow their support.

I think in my district, if an organization was very unpopular, the first thing I would want to do would be to disavow them because it would be a political handicap, but apparently in the islands they are popular enough to make it an advantage.

Dr. SCHWARZ. That is the point I tried to bring out, but with regard to your question, I would categorically say, in my opinion, the danger of communism in Hawaii rests overwhelmingly in its key personnel in key positions within the organizations that control the majority of labor.

Mr. O'BRIEN. For the economic betterment, it is the captains and generals who have different ideas of where they are marching, too.

Dr. SCHWARZ. That is right, but that is the way communism operates.

Mr. BURNS. Let me ask you this question about the ILWU supporting a particular candidate. The ILWU is operated by a pretty brainy bunch of boys, is it not?

Dr. SCHWARZ. Very clever.

Mr. BURNS. So is it not possible that if they decided they wanted to defeat someone and they felt that they could come out for him and say the ILWU is supporting you, you either accept it or reject it; they have the publications to put that before the people to where they could put the fellow right on the spot to do more or less whatever they wanted to insofar as putting him in a bad light in the eyes of the public, is that your point?

Dr. SCHWARZ. Yes.

In other words, they have access to the means that form public opinion, which gives them political power.

Mr. PILLION. With respect to Chairman O'Brien's question of the union getting rid of the communistic leadership in the ILWU, I would like to go over what you said a little while ago, Doctor.

Did you not say that Harry Bridges appoints Jack Hall, McElrath, and all these top leaders in Hawaii, and that the membership is unable to get rid of Jack Hall?

Dr. SCHWARZ. That is the problem. I only discovered this recently myself.

They are so clever that actually the people of Hawaii do not take full responsibility for the Communist control of the union, because they do not elect Jack Hall, they do not elect Robert McElrath, they do not elect Robert Evans Thompson. They are appointed by Harry Bridges' executive in California. If all the workers objected to Jack Hall indirectly, the pressure would probably be sufficient.

Mr. O'BRIEN. The root of evil lies in California; is that what you are saying?

Dr. SCHWARZ. By Harry Bridges' position with the ILWU and in Moscow. That is the extent of their control in Hawaii.

Mr. BURNS. May I ask you, how long did you spend in Hawaii over a period of time?

Dr. SCHWARZ. I have visited Hawaii 12 or 13 times and usually my stay there is a period of a week to 2 weeks, and I have spoken with folks, but I do not claim to be an expert on Hawaii, because of what I have seen in my visits there. If I am to judge by my visits to persons, I think they are wonderful.

Mr. BURNS. Do you know the extent of the membership of the total ILWU?

Dr. SCHWARZ. Twenty-four thousand.

Mr. BURNS. No. The total ILWU.

Dr. SCHWARZ. Total ILWU throughout America; no, I could not say the total ILWU. It embraces the workers, longshore workers primarily, on the west coast.

Mr. BURNS. Is it something like 60,000?

Dr. SCHWARZ. I would have to guess at the figure.

Mr. BURNS. We only have about one-third of it, I believe.

Doctor, I understand you to say that if there was a popular election required by law in the islands, among the ILWU workers, that they would unseat Bridges and Hall.

Dr. SCHWARZ. No; I do not say that, because I do not know. But what I do say is, if by law there was a popular election, at least the workers in Hawaii would have the right to unseat them, but just at present the workers in Hawaii have no right to unseat them.

Mr. BURNS. From your experience, do you think that if we passed a law conditioning statehood, we will say, upon a popular election, insofar as labor unions were concerned out there, at certain intervals, that it very easily could result in an unseating of Bridges?

Dr. SCHWARZ. No; I doubt it very much for this reason:

As I say, my experience has been this in Australia and other places, that elected Communist labor leaders are never defeated by shouting at them from outside—until within the union you have organized dedicated anti-Communist personnel who are identified in the union

minds with an equal struggle for better economic conditions, so that they have an alternative whom they identify in their mind with the struggle for higher wages; until you have got that condition, you will not affect them.

Mr. BURNS. In other words, you feel that the workers are not going to give up what they think is a good thing until they have got something else of equal quality?

Dr. SCHWARZ. They do not reject Harry Bridges and Jack Hall because they are Communists, but they think they are the men who will fight for them.

Mr. BURNS. In other words, what you are saying is that the way to fight communism is not by making a noise, but by building up anti-Communists within the union itself who will support the causes that they use.

Dr. SCHWARZ. I say that is one aspect of it. But from outside, just yelling your head off does not do very much in that regard. I say that is one aspect of it, and a very important aspect, and whenever I have been in Hawaii that is an aspect I have been trying to stress, that you must get dedicated patriotic Americans within the union who can equally identify themselves in the minds of the people with their personal influence.

Mr. O'BRIEN. I think we had somewhat the same experience in Schenectady. We were completely at a loss why these people whom we knew so well, who were good churchgoing people and what not, why they were being led around by these leftwing people. I suppose the answer was because they were getting more for them in their pay envelopes.

I also have to say that they did not transfer that loyalty to their leaders to the ballot boxes. They did not vote as followers of left-wingers; they just voted as they pleased.

Dr. SCHWARZ. The difference that I have been trying to stress, I believe, in Hawaii is this: That the ILWU is such a major factor in the life of Hawaii, and their whole economy is so simple and the islands are so compact, that they are able to do that more in Hawaii.

Mr. O'BRIEN. I understand that, but I think that this committee would agree that, as far as the power to call a strike and so forth, that power is just as devastating to a Territorial state, so it boils down to this question: Would these leaders you refer to, if Hawaii became a State, be able to control the future officials of Hawaii, whether they served in Hawaii in their legislature or in Washington as Senators or Representatives?

I think it boils down to that because, as far as a strike during our national defense, it is just as bad in a Territory as in a State. We all know that.

I would like to ask one thing to clear the record.

Mr. MILLER. If some organization endorses me and I do not carry out their wishes, I do not come back the next time if I have to stand on their support, because they will not support me. If the ILWU supports you and you do not carry out their legislative wishes in Congress, you will not be back the next time.

Mr. O'BRIEN. That is not always true. I think all of us have had the experience of being endorsed by some group or other that we do not follow when we get down here. Take in New York State, very often you have people endorsed by the Liberal Party.

Mr. MILLER. In Hawaii you either follow it or you are not here. It is just that simple.

Mr. O'BRIEN. The same as the Ku Klux Klan in the South.

Mr. MILLER. That has very little influence.

Mr. O'BRIEN. There was a time it did.

Mr. BURNS. The ILWU has failed to achieve outstanding gains in the legislature. In the last session, its particular and specific bills did not pass.

Mr. PILLION. May I also add for the record that the ILWU did gain very many of its objectives put through the legislature: The exemption of ILWU Memorial Building from taxes, and it was vetoed and then again by a majority repassed, but not sufficient to overcome the Governor's veto, and that the UPW, a notorious Communist union, uses that as its headquarters for dissemination of propaganda from Red China and from all over the country, and that was the building the majority of the legislators wanted to exempt from paying taxes; that they gained another objective in reducing and practically shutting down the Territorial committee investigating subversion by reducing from about \$60,000 the biennial appropriation to \$20,000, which just about put them out of business.

When you compare \$20,000 for the study of subversion in Hawaii against the \$250,000, approximately, that is being collected from the workers for the purpose of disseminating propaganda in Hawaii, it makes a rather pitiful picture.

In many other respects, the Territorial legislature followed the ILWU goals and aims and directions pretty faithfully.

Mr. O'BRIEN. May I ask one question to clear the record?

We had a reference earlier about certain advertisements in that newspaper, the Honolulu Record, I believe it is.

Does the Attorney General of the United States have authority to make declarations or findings of Communist organizations and/or Communist publications? I assume that the answer is "Yes."

Dr. SCHWARZ. I assume it is; yes.

Mr. O'BRIEN. I am asking this question seriously: Has that particular newspaper ever been declared by the Attorney General as a Communist paper?

Dr. SCHWARZ. I am afraid that is a question I cannot answer.

Mr. BURNS. I think the House Un-American Activities Committee listed it as a propaganda vehicle for the Communist Party.

Mr. O'BRIEN. It is not on any list promulgated by the Attorney General. I was thinking some of those businessmen and other people may have advertised in that paper for reasons other than supporting communism, just for their protection.

Mr. MILLER. Mr. Chairman, the House has been in session 20 minutes. This is mighty interesting, but—

Mr. PILLION. I might say also that Dr. Schwarz is using the Christian religious movement throughout the world to fight communism, and I think it has been a pleasure to have him here, and it has been informative.

Mr. BURNS. He is an expert on international communism, I will say that.

Mr. O'BRIEN. We have one more witness.

Would there be any objection if a couple of us remained here a few minutes to hear Mr. Mike Masaoka, Washington representative of the Japanese-American Citizens' League.

**STATEMENT OF MIKE MASAOKA, WASHINGTON REPRESENTATIVE,
JAPANESE-AMERICAN CITIZENS' LEAGUE**

Mr. DAWSON. I would like to say a word about Mr. Masaoka before you go ahead. He is one of the outstanding Japanese of this country. He is a native of my State. He was a director of the University of Utah debating team. He is one of the most outstanding men I know and I know he is in a position to speak for the Japanese in Hawaii.

Mr. O'BRIEN. That is very fine.

Mr. SAYLOR. I would like to say that the next witness is of Japanese ancestry. To me there is a tremendous difference. I welcome him as an American citizen who was born in Utah and has been doing a tremendous job.

Mr. BURNS. For the sake of the record, as an honorary member of the 442d Veterans Club, I want to welcome Mr. Masaoka to the committee.

Mr. O'BRIEN. Certainly we cannot doubt your welcome.

May I say before we start, I think we can wind up the hearings with this. I think we have covered it all. You do not know of anyone that has to be heard from the islands?

Mr. MASAOKA. Mr. Chairman, I wish to thank my Congressman from Utah, and my good friends, the Congressman from Pennsylvania, and the Delegate from Hawaii, for their kind remarks.

At this time I would like to submit my statement and make some comments on what I think is a very important question.

Statehood for the deserving Territory of Hawaii has been one of the major postwar legislative objectives of the National Japanese American Citizens' League, JACL, the only national organization representing Americans of Japanese ancestry in the United States.

The JACL, which is composed entirely of American citizens, most but not all of whom are of Japanese ancestry, has some 88 chapters and members in 32 States and the District of Columbia. Interestingly enough, JACL has one or more chapters in each of the States represented by members of the committee that is considering this vital legislation.

FAVORABLE ACTION URGED

In urging early and favorable action on legislation authorizing the admission of the Territory of Hawaii into the Federal Union as a full-fledged State, on an equal footing with the other States in all respects whatsoever, JACL does not believe that it is necessary to repeat at this time the many arguments and appeals that have persuaded this committee, as well as its counterpart committee in the House, on several occasions in the past decade to report favorably measures for this same purpose.

As we understand it, about the only novel suggestion in some of the pending bills is that they propose admission of this Pacific Territory as a State, rather than going through the formalities of enabling authority that may now be bypassed inasmuch as Hawaii has already adopted a model constitution.

HAWAII QUALIFIES FOR STATEHOOD

As Americans, most of whose members reside in the western part of this country, and particularly along the Pacific coast, JACL members believe, as did so many congressional committees in the past, that by every legitimate standard Hawaii qualifies for statehood.

We are convinced that it is in our national self-interest that this island paradise that lies at the crossroads of the Pacific be welcomed into the brotherhood of States; that, from the viewpoint of national security, international commitments, economic and commercial implications, and social well-being statehood for Hawaii will benefit the Nation.

ECONOMIC ADVANTAGES

Since Hawaii's significant location—as the hub of a huge wheel around which revolves the vast reaches of the mighty Pacific Ocean, touching upon more nations and peoples than the rest of the world combined—cannot be minimized, the economic advantages of increased transpacific trade to this Nation of statehood should not be overlooked.

There are many of us who feel that the westward march of progress assures that the next great era of civilization will be around the Pacific Basin, where most of the earth's population resides, where the markets for our goods are to be developed, where the natural resources we need to satisfy our ever-growing economy are stored, where trade and commerce yet undreamed of waits to be exploited.

Hawaii is the logical center of all these activities and under statehood—as has been demonstrated when every other territory attained the status of a State—tremendous economic growth will result, redounding to the benefit of the entire country, with special emphasis for the nearby west coast.

JACL'S SPECIAL CONCERN

Moreover, as Americans of Japanese ancestry, JACL members also believe that we are equipped especially to testify to the reactions that statehood will activate among the peoples and nations of Asia at a critical time in your history, when our interests in the Far East and the Pacific are greater and more crucial than ever.

Because of its large population of persons of Asian ancestry, the treatment which our Nation accords to Hawaii is under constant scrutiny in the so-called Afro-Asian area, where more than two-thirds of the world's population reside, by the free nations, the neutral countries, and the Communist pawns, as reflecting the opinions and the feelings of the United States toward Orientals generally.

It is no secret in Asia, and one constantly exploited by the Communists, that a racist disinclination to accept persons of Oriental origin on the same footing with those of European background has been one of the strongest forces working against statehood for Hawaii.

This unfortunate attitude hampers our international efforts to gain for the free world the minds and the hearts of the peoples whose support may be pivotal to the survival of the world as we know and like it.

It is not enough to say that we believe in the equality of nations when, at the same time, we continue to deny to one geographical and

political segment of our country the same equality of representation and autonomy that we extend to most of our country.

It is inconsistent that we call upon other powers to recognize the free determination of peoples when we refuse to practice that same principle in regard to a long-time territory whose population has overwhelmingly determined in free elections that they desire statehood status.

JAPAN'S POSITION AS AN ALLY

At the moment, the people and the Government of new Japan look with great favor on American leadership, though the Communist enemy is attempting to convert them into neutrals and subsequently into satellites. In this troubled era, we need to keep Japan as a friend and an ally, for of all the nations in the Far East she has the skills, the production, and the manpower to provide a truly formidable bulwark against Communist encroachment from the West.

Because the United States recognized the part that a new and free Japan could play in the post-World War II era, after the end of hostilities in 1945, we provided her with a benevolent and provident occupation, unprecedented in world history.

In 1952, the United States signed a treaty of peace with Japan that was more in the nature of reconciliation than of victor and vanquished.

In 1952, too, the Congress enacted the Immigration and Nationality Act that, among other provisions, repealed the Japanese—and other Orientals—Exclusion Act of 1924, and extended to Japan and all Asia token immigration quotas based upon the same national origins formula that governs all basic immigration into the United States.

ASIAN NATIONS BUILT UP

In the meantime, the United States has granted independence to the Philippines, economic and military aid to the newly independent nations of free Asia and the South Pacific, and mutual security pacts against the common foe—all at great expense of this country but, nevertheless, in our own enlightened self-interest and at a price far less expensive than the cost of world war III.

The lesson of Korea cannot be ignored in any appraisal of our stake in the once mystic Orient.

Thus, statehood for Hawaii with its large Asian population is the next logical step in our Pacific adventure, for to the peoples of the vast Pacific Basin the Hawaiian Islands is the test of our goodwill and our good intentions.

AFFIRMATION OF FAITH

To hold off Hawaiian statehood any longer is to nullify the great gains we have made in all of Asia, and particularly in Japan, at a time when the Soviet Union and Red China are mounting their greatest psychological and economic offensive in these same areas where we have given so much of blood and treasure.

It will mean to these peoples who have long been suspicious of the so-called western powers that the United States is not yet ready to throw off traditional antiorientalism. It will mean another potent propaganda weapon we have given gratuitously to the enemy.

To grant statehood to Hawaii now will be a reaffirmation of our new policy of giving equal concern and equal opportunities to all people interested in freedom and democracy. But more, it will give to the United States and to the free world a new citizenry which, by its very background, is best qualified to explain our ideals and our objectives to the peoples of Asia and to interpret for us the hopes and aspirations of most of the world's population.

Statehood for Hawaii is more than a political issue of the moment; it is an international token of our real intentions in dealing with the problems of this tension-filled world. Only illogically and self-defeatingly can we preach democracy to others while denying proper and long-overdue recognition to a deserving territory in our own front yard because of its Asian population.

JACL'S REASON FOR BEING

Anti-Asian prejudices, and particularly anti-Japanese discrimination, beclouding our laws and social practices, led to the birth of the JACL in the decade following World War I.

From the beginning, JACL dedicated its resources, talents, and energies to the task of gaining for persons of Asian ancestry, particularly those of the Japanese race, full acceptance into the American community, of making available to them the full privileges and responsibilities of citizenship. As Americans and members of a minority, we do not expect less. As Americans and believers in the democratic enterprise, we cannot demand more.

The disposition of this legislation, therefore, is of utmost importance to the members of JACL, who are in the main Americans of Japanese ancestry, since, especially in the past, discussion of statehood for Hawaii invariably resurrected old slanders against persons of Asian origin, impugning their loyalty and questioning their assimilability into a democratic social order in spite of the clear and eloquent record.

While the race question has not been brought to the fore publicly of late as it has been in the immediate past, the covert fear of admitting into the Union a State whose residents are dominantly of Asian extraction has been one of the primary obstacles blocking congressional approval of statehood for Hawaii.

Therefore, since others have, and will, discuss other issues involved in this statehood question, our testimony will address itself to the contributions of one racial minority, the persons of Japanese ancestry, to the welfare of Hawaii in particular and the United States in general.

JAPANESE IN HAWAII PRIOR TO WORLD WAR II

Though the dramatic story of the loyalty of persons of Japanese ancestry in Hawaii during and after World War II is comparatively well known to most interested Americans, their earlier contributions are no less important and significant.

The early Japanese immigrants worked on the plantations and helped develop the economy of the Territory. They fished off the shores and pioneered in the presently lucrative commercial fishing of that area. They helped develop trade with the Orient and Hawaii became known as the gateway to the Far East.

In agriculture, in commerce and trade, in fishing, in horticulture, and in every aspect of human endeavor in Hawaii, they left their mark as enterprising, thrifty people whose first great love was the islands to which they had migrated in search of opportunities and liberties they could not find in their homeland of Japan.

They early began to participate in community activities and learned to appreciate the democratic way of life. They sent their children to the public schools and they demonstrated their real Americanism in the loyalty and allegiance they inculcated in their children, a loyalty and allegiance which proved itself in World War II.

WAR RECORD OF PERSONS OF JAPANESE ANCESTRY IN HAWAII

In World War II, American citizens of Japanese ancestry—Nisei—in Hawaii formed the all-Nisei 100th Infantry Battalion.

Later, the 100th was integrated into the 442d Regimental Combat Team, an all-Nisei outfit composed of volunteers from Hawaii and the mainland of the United States.

In connection with this volunteer combat team, the Army called for only 1,500 volunteers from Hawaii. In less than 3 days, more than 10,000 responded; in a week, more than 15,000 had volunteered. The Army decided to accept 2,500.

Between them the 442d and the 100th made history without parallel in American military annals. According to the record, they were awarded more medals and combat decorations for their size and length of service in the line than any other United States infantry unit in the last or any previous war.

Fighting in Italy and France, the 100th and 442d became famed as the "Purple Heart Regiment." They were in 7 major campaigns, suffering 9,486 casualties, or 314 percent of their original strength.

The unit received 18,143 individual decorations and medals and 7 Presidential distinguished unit citations.

PACIFIC SERVICE REVEALED

In the Pacific, in the war against the land of their ancestry, thousands of Nisei Americans served with equal distinction. For security reasons, little publicity has been given to the activities of these Japanese-Americans against the Japanese enemy.

Today, however, it is known that Gen. Charles A. Willoughby, chief of staff for intelligence under Gen. Douglas MacArthur, credited the Nisei in the Pacific, who served mainly as combat intelligence troops, with shortening by many months the war against Japan. To them, General Willoughby attributed the savings of untold thousands of casualties and billions of dollars.

In the occupation of Japan, additional thousands of Nisei were called upon to serve as the eyes and ears of the occupation, in the role of interpreters and translators and administrators.

While this occupation duty did not have the color or the drama of active combat service, the work of the Japanese-Americans contributed in great measure to the unprecedented success of the American occupation in Japan and to the promotion of democratic principles and general good will toward the United States.

ALIEN JAPANESE RECORD

On the homefront, resident alien Japanese—Issei—although technically enemy aliens during World War II, helped to build airfields and other military installations, much of it voluntarily and without pay.

These alien Japanese in Hawaii contributed generously to the blood banks, and actively participated and supported the USO program. Per capita, it has been said that these resident alien Japanese purchased more war bonds than any other comparable group in the United States.

In addition, many alien Japanese who were young enough to qualify volunteered for service in the United States Army. At the time these men volunteered, under the old Nationality Act of 1940 and previous statutes, they were ineligible for naturalization.

The Congress amended the naturalization privileges extended to most other aliens who served in our Armed Forces to include alien Japanese, and many became citizens under this special legislation.

Other alien Japanese who were bilingual were used in the Army and Navy language schools to teach soldiers, sailors, marines, and airmen the Japanese language. Still others served with the Office of Strategic Services in enemy intelligence, counterespionage, drawing maps by which Japan was bombed, and in translating and interpreting captured enemy documents.

It should be remembered that in connection with these contributions to the military victory that these alien Japanese were, because they were barred by our naturalization laws from acquiring citizenship, actually traitors to the country of their own nationality.

Had Japan won the war, it is not difficult to imagine what their lot would have been.

In any assessment of their allegiance, this fact should be kept in mind: The alien Japanese demonstrated their greater love for their adopted land as against the land of their nativity and nationality.

NO ESPIONAGE, NO SABOTAGE

Prior to World War II, racist myths were current, ascribing to all persons of Japanese ancestry, citizens and aliens alike, an unswerving loyalty to the Emperor of Japan. Immediately after the Japanese attack on Pearl Harbor, wild and distorted rumors asserting that the Japanese in Hawaii engaged in sabotage and espionage were circulated.

The fact of the matter is that according to the Federal Bureau of Investigation and the Army and Navy Intelligence not a single case of espionage and sabotage was committed by a resident alien or citizen of Japanese origin before, during, and after the attack on Pearl Harbor. Indeed, the first Japanese enemy captured was by a Japanese-American.

Although purchased at a high cost in lives and personal resources, the magnificent wartime record of the Nisei and Issei in Hawaii and the United States conclusively demonstrated that—

Americanism is a matter of the mind and the heart; Americanism is not, and never was, a matter of race or ancestry.

RECORD IN KOREA

More recently, on the battlefields of Korea, the men of Hawaii were again fighting and dying with their fellow Americans from the continental United States. As in World War II, Americans of Japanese ancestry carried their share of the load, for the records reveal that based upon population more than three times as many Japanese-Americans were wounded and killed in Korea than the national average.

DEVOTION AND SACRIFICE

In this record of devotion and sacrifice lies the answer to those who question the loyalty of the so-called Japanese population in Hawaii. They have purchased with their blood the right to be accepted as Americans individually and to have statehood extended to the Territory that gave them birth and imbued in them that spirit of liberty and freedom that inspired their wartime gallantry.

JAPANESE AMERICANS AND POLITICS

Because the Japanese comprise a third of the population in Hawaii, some fears have been expressed that Japanese Americans will vote as a bloc, once Hawaii becomes a State, and thus control the political destiny of the islands.

A quick look at Nisei participation in Hawaiian politics will dispel this fear and myth of bloc voting.

In Hawaii, as on the mainland, Japanese Americans are active in both political parties. In Hawaii they enjoy positions of influence in both parties; they have been elected and appointed to local and Territorial offices.

In the last election, and prior thereto, it was not uncommon to find Japanese Americans vying with each other as representatives of the Republican and Democratic Parties for the same post, or to find a Japanese American representing a predominantly non-Japanese district, or to find a non-Japanese representing an overwhelmingly Japanese area.

Among the Hawaiian Japanese Americans, as with any other group in the United States, party politics and voting are based upon the same factors of daily living and economic interests which motivate any other people to vote for the candidates of one party in preference to another.

ALIEN POPULATION

Another expressed fear in Hawaii's alien population, most of whom until recently were Japanese.

Until the enactment of the Immigration and Nationality Act in 1952, Asian aliens with the exception of Chinese—1943—Filipinos and East Indians—1946—were ineligible by Federal law to become naturalized citizens of the United States.

This accounts for the fact that until December 24, 1952—the effective date of the Immigration and Nationality Act—there were so many aliens of Asian extraction in the Territory, for they represented the immigrant, pioneer group from the Far East.

Since enactment of the Immigration and Nationality Act, Japanese aliens, along with other Asian nationals, swamped the Immigration

and Naturalization Service and district court facilities in such numbers as to establish a precedence for the naturalization of any racial group in such a record time.

An estimated more than 10,000 alien Japanese in Hawaii have become naturalized citizens since this privilege was extended to them just 5 years ago.

At this rate of naturalization, and since the average age of the alien Japanese is now close to 70, within another 5 years there will remain few, if any, aliens of Japanese nationality.

These new citizens have not voted as a block, for even as aliens they expressed their preferences for either of the major political parties on other than racial grounds to guide their citizen children.

Furthermore, because they were so long denied the franchise even in Territorial elections, they are probably more aware of the issues and the candidates than those who have been able to vote automatically by the accident of birth in Hawaii or in the United States proper.

NONPARTISAN ISSUE

Speaking of politics, it should be noted that perhaps more than in any other section of our Nation many young veterans of World War II and Korea are taking an active interest in politics. Both the Republicans and Democrats are benefiting from this new blood, the Democrats probably more than the GOP if the more recent Territorial legislature and delegate elections are taken into account.

Last summer, Japanese American delegates attended both the Democratic and Republican National Nominating Conventions in Chicago and San Francisco, respectively. Both party platform committees had Japanese Americans from Hawaii serving to help write party policies and principles.

The present Democratic national committeeman from Hawaii is a Japanese American dentist.

While statehood is not, and should not be, a partisan issue in the Territory, there is no doubt that the actions of their party representatives here in the National Congress may well determine the future of both the Democratic and Republican Parties in Hawaii for many years to come.

Accordingly, the words and, what is more, the actions of every Democrat and Republican in both the Senate and the House will be carefully examined in the light of the parliamentary maneuvers and the vote on the most important of all issues to the electorate of the present Pacific Territory.

ATTITUDE OF NISEI IN HAWAII ON STATEHOOD

The overwhelming sentiment among Japanese Americans, as among the entire population, is for statehood. Before the war, the margin of Hawaiians favoring statehood was more than 3 to 1. Among the Nisei, the proportions were even more lopsided. And it is greater today.

The desire for equal status is the understandable spirit which motivates those who urge statehood.

When the Congress enacted the Immigration and Nationality Act of 1952, in effect, it lifted the legislative mark of inferiority from the

Japanese people, by admitting them to citizenship through naturalization and extending to Japan, their ancestral homeland, immigration quotas.

That act was hailed in Hawaii as an indication of the acceptance of the Japanese as individuals by their own government.

In the last 4 years, 2 Japanese American attorneys were nominated and confirmed for the Federal judiciary, Ben Tashiro as judge of a district court, and Masaji Marumoto as an associate justice of the Territorial supreme court.

This means that in the judgment of the executive who nominated them and of the Judiciary Committee and the Senate that confirmed their appointments, Japanese Americans are qualified as individuals for even the most important responsibilities of citizenship in a growing democracy.

REMAINING STEP

Statehood is the remaining step in that progress for equality of status. Statehood will mean, not only for those of Japanese origin, but also for every American in Hawaii, acceptance as equal partners in the United States to which they have contributed so much and asked so little.

In 1950 the citizens of Hawaii held a constitutional convention and drafted a State constitution that could well serve as a model document for many States and governments. This action on their part shows their clear willingness to assume the responsibilities of being an active and integral part of the Union.

At the moment, they feel like the stepchild who is almost a member of the family. Their citizens feel their second-class status keenly, for they appreciate the fact that though their taxation without representation may not be tyranny, in the revolutionary sense of 1776, it does represent, nevertheless, a lack of appreciation for their capabilities and desires on the part of their Government which at times seems far more removed than by distance alone and which sometimes seems to be more solicitous and responsive to the requests of foreign nations.

RACE SHOULD NOT BE AN ISSUE

In spite of all this testimony, however, as a matter of principle, the racial composition of the Territorial population should be of no consequence in this matter, the fact that certain Asian peoples constitute the bulk of the peoples of Hawaii should neither be an argument for or against statehood. The fundamental question involves not the races of people who reside in Hawaii, but the kind of thinking and living they indulge in as citizens of that Territory.

On this basis, there can be no question that Hawaii's mixed population qualifies as American, as United States-minded, as an integral part of this Nation and Government.

Though Hawaii may be noncontiguous geographically, ideologically and sentimentally they are part and parcel of the continental mainland.

The only reason that JACL felt compelled to comment on the so-called Japanese of Hawaii is to demonstrate the innate Americanism of this significant group and to illustrate that they, as well as every other racial strain in Hawaii, are ready and eager for statehood.

PERIOD OF PUPILAGE OVER

Sixty years ago, when Hawaii exchanged her sovereignty for annexation, this Nation conferred upon her the rank of Territory. Historically, Territorial status has been considered the period for schooling in the requirements of self-government pupilage in the meaning of democracy.

Hawaii has remained a Territory much longer than necessary to prove, beyond question of doubt, that she has been an apt and worthy student; that she has long been ready for graduation, *summa cum laude*, into the sisterhood of States in this great Republic.

Statehood would be fitting recognition for the loyalty and allegiance of Hawaii to the United States; a compensation to her people for the taxes they have paid, the land they have built, and the lives they have given to our common destinies.

Dr. Schwarz has made some allusions about the Communist threat in Hawaii. I do not claim to be an expert on communism. I do not know the extent perhaps of the Communist menace, if you can use that word for the Territory of Hawaii. However, as one who has served with many Japanese-Americans from Hawaii, who are now in the Territorial legislature, during World War II, I think people who have shown the bravery and loyalty that these young friends of mine from the Territory of Hawaii demonstrated on the field of battle against the enemies of the United States cannot but be loyal Americans. I doubt that they at any time will prove disloyal to the United States.

May I say that the situation of the Japanese-Americans is a little different from that of other groups, and that is this: During World War II, because the enemy happened to be from the land of our ancestors, the United States Army decided not to accept us for military service. Nevertheless, many of us, including those in Hawaii, felt so strongly that we had to prove our loyalty to the United States that we demanded the right to volunteer, not for ordinary military duty, but for combat duty.

The United States Government finally decided to call for only 1,500 volunteers from Hawaii. In less than 2 days, over 25,000 young Japanese-Americans volunteered for military service, and combat duty at that. That response was so overwhelming that the Army, instead of taking just 1,500, took over 2,000. All of them served with great credit, and one of them is now majority leader in the house.

I would also like to say, again—not as an expert but as one who looks at the picture; I have been in Hawaii a number of times; I have been in Japan, I have been in Korea; and it seems to me that if the influence of Harry Bridges and his union was so great that we ought to look at the Korean situation.

When the Reds started overrunning the United States position in Korea just a few years ago, there and then was the time that the Communists, if they had the power, would have tried to crush American influence and prestige in the Far East for all time to come. There and then, if they had this tremendous power that has been discussed here, they would have used it to entirely immobilize Hawaii, which was a stepping-off place for reenforcing and shoring up our forces in Korea.

They were unable to do that, and I think that that indicates, since they did not even try, that they know that when the chips are down, when it becomes a question of whether it is the United States or any other country, the people of Hawaii, including the members of the International Longshoremen's Union, will stand by this country.

Many things may happen, we are told. I think it ought to be considered in the context of what they said might happen in the last war. They said the Japanese would become saboteurs for the Japanese. They said the Japanese-Americans there were disloyal, but what were the records. I think it is difficult, in like manner, to appraise the future, and yet I say when the Department of Defense of the United States, with its intensive intelligence services, studies the situation in Hawaii and approves statehood, that that indicates that statehood would not in any way reduce the effectiveness of the people who want to fight communism, or enhance the Communist cause.

I think when the administration, with its resources in the Department of Justice and the FBI and others, endorse statehood, that is a pretty good indication that Hawaii is secure in its allegiance, in its sentiment, to the United States of America.

Finally, let me just say this again :

I think as an American, but particularly one of Japanese ancestry, we know that the Communists themselves are using the issue of the fact that Hawaii has not gotten statehood as an indictment of America's good faith. They are saying, when Hawaii was granted incorporated Territorial status, that was an implied promise made that eventually Hawaii would get statehood.

Hawaii today does not have statehood and this very fact is used by the enemies of the country against the United States, and the people to whom this propaganda is directed are two-thirds of the world's population around the great Pacific Basin; that area where perhaps the final struggle between our world as we like it and know it and the world that the Communists would impose upon us may be fought and won or lost.

I think that in this fight, Hawaii, with its strategic position, geographically as well as in the minds of the great Asiatic masses, may be a crucial and decisive background. Therefore, I think in the international good relations of the United States, as well as in the self-interest of the United States, and in the self-interest of the people of Hawaii, this committee and this Congress, this session, should enact legislation admitting Hawaii into the United States.

Thank you.

Mr. O'BRIEN. I want to congratulate you on a very fine statement. I want to congratulate you upon your earnestness, upon your facts, and upon your consideration of the fact that the bell rang over a half-hour ago in the House.

You must have been a very splendid member of that debating team.

Mr. DAWSON. He was director of it.

Mr. ROGERS. Mr. Masaoka, in what respect would you or the people of Hawaii be bettered if you were granted statehood as compared with your present status?

Mr. MASAOKA. There are many ways, sir.

One which I think is most important is the kind of psychological feeling of being given a little dignity. As citizens of Hawaii, some-

how they are not yet citizens of the United States in the full sense that they cannot elect representatives to the Congress of the United States, and to the Presidency of the United States, and these, to Americans, are very, very important.

Moreover, the laws which the people of Hawaii may enact in the legislature are subject under certain circumstances to veto by the Congress of the United States and others.

But most important, I think, the thing that it will do to the people of Hawaii is to give them a feeling of final acceptance by people to whom they are traditionally, sentimentally, and racially attached here on the mainland, and to people with whom they have fought alongside of as comrades in many wars.

Mr. ROGERS. Have you had some laws vetoed that you do not think should have been vetoed, that you would change?

Mr. MASAOKA. No, but there is always the possibility. Thus far, Congress in its wisdom has been pretty good along that line.

Mr. ROGERS. Are you not doing the same thing that you say we are doing? Are you not anticipating something that has not happened?

Mr. MASAOKA. Perhaps.

Mr. O'BRIEN. Is the gentleman suggesting that, if we had not had the Stamp Act and some other things back in the Revolution, we should have gone along with a kindly British overlord if necessary?

Mr. ROGERS. That is water under the bridge. Hawaii is not thinking about having a revolution.

Mr. PILLION. In that regard, is there any specific complaint as to the manner in which Hawaii has been treated, outside of the general proposition that it has been argued that a citizen of Hawaii is, as I think you all called it sometimes, a second-class citizen? I do not think they are, but that is a matter of debate, but the psychological element is the No. 1 and the primary situation that is involved.

Mr. MASAOKA. They would like to have a right, as Americans, to—

Mr. PILLION. Do you not think we could answer that by passing a proclamation or joint resolution in Congress that you are No. 1 citizens, and entitled to all the dignity of anybody?

Mr. MASAOKA. Including statehood, sir. That is what we are after.

Let me say this: The Governor of Hawaii, for example, is appointed by the President of the United States, with the advice and consent of the Senate.

It happens that the people of Hawaii, in a free election, elected a Democratic Territorial legislature the last time. The President of the United States, elected by the people of the continental United States, appointed a Republican Governor. My understanding is that the legislature, the Democratic legislature, passed many bills which it thought was in the interest of the people who elected them and the people of Hawaii.

The Governor, appointed by, if you will, an absentee sort of Executive, way over here in Washington, D. C., vetoed many of those bills.

Mr. PILLION. If we follow that theory out, if you were brought into statehood, you would be an absentee State.

Mr. MASAOKA. No. The difference is this: If you bring Hawaii in as a State, the difference is that travel in terms of time and so forth do not apply. At the present time, the important thing is this: The

President, residing in Washington, D. C., of a different party, appoints a Governor of his own party. The people of Hawaii have a right, as the people of your State or of any other State, to elect not only their legislature, but their Governor, too, in order that they can have uniformity, if they desire, of political parties in the executives and legislative and the judicial branches.

This is a kind of hard thing to put into words, but this kind of thing happened to me in the war. I was not in Hawaii at the time. I happened to be on the west coast. I was an American citizen. I already had a brother in the armed services. The Army, in its wisdom, or unwisdom, decided to evacuate all of us, without trial or without hearing. This was a terrible psychological blow to us which was difficult to describe, and yet we, along with the Hawaiian Japanese-Americans, had enough faith in the American way and in the American people and in the American Congress that we insisted upon the right of serving our country.

This again is difficult to put into words, because many of our non-Nisei buddies said, "Look, you got kicked around; you got put behind barbed wire fences; why in the hell do you want to carry a gun?"

This is the thing I am trying to describe: To the people of Hawaii it is hard to put in black and white, but it does mean the kind of dignity and status which was given to us when the Army recognized us for what we were.

Mr. ROGERS. But you were moved from the west coast not because you were Hawaiians but because you were of Japanese ancestry?

Mr. MASAOKA. That is right.

Mr. ROGERS. Let me say this: We made that same mistake in regard to a number of Germans in the First World War, and whether or not it is an emergency measure where you may have 2 traitors in 15,000 people, the question is simply a matter of balance, whether or not the inconvenience of 15,000 people is essential to defense of this country in order to bring out the 2 traitors.

Mr. MASAOKA. It is tough on the people, though.

Mr. ROGERS. That is right, but if we went to war with Mexico, or if we went to war with Brazil, it would be the same thing.

Mr. MASAOKA. Let me see if I can tie this down.

To the citizens of Hawaii, statehood is a kind of recognition of the many long years they have put in as public pupils of the democratic, American way. They think that they—and I agree with them—are entitled to graduate now summa cum laude, because they have made contributions to America equal to or greater than that of any other State.

They have given in the way of taxes and they have given in terms of contributions in industry, they have given in terms of blood, and, when they have met every standard by which other States have been admitted into statehood, it becomes difficult for them to understand any reason why, after all these years, they should continue to be denied what they consider to be their right and their privilege as fellow Americans.

Mr. PHILLON. I think the record ought to show here that never during any of our hearings has there been any statement made derogatory to the loyalty of the Americans of Japanese ancestry. I think the record ought to show that. There is no issue here or question of loyalty of these people.

Mr. MASAOKA. I have not suggested that.

Mr. PILLION. Now, the gentleman talked about the Communist Party using the failure to grant statehood as an international slogan. If statehood were to be granted for Hawaii, does the gentleman think that the Communists would not find another slogan such as failure to give the Virgin Islands statehood, and that we are discriminating against another group of persons because we failed to give them statehood?

In other words, if we attempt to satisfy our enemies and act in accordance with the desires or the wishes of our enemies, on an international plane, on a domestic question, are we not doing just what they want us to do, and which is part of their program?

Now let me just ask this question: Every Hawaiian person is a citizen of the United States. They have the rights under the Constitution that I have or that anybody else has. There is no question as to those rights under the Constitution I am talking about, which is the main body of the rights of the people in this country, and not statehood.

Now, in the event of statehood, the people would have 1 Senator for each 250,000 people. In 48 States they have 1 Senator roughly for 1,600,000 people. In other words, the people of Hawaii would have a call on the United States Senate that is about 6 or 7 times greater than that of the other people.

How do you think the people of New York State would feel, with 16 million people, or the people of Pennsylvania or Illinois or the more populous States, in having their power in the Senate nullified by giving 2 Senators to 600,000 people.

We find ourselves in this dilemma:

Shall we continue depriving the people of Hawaii, a small segment, of a right that other people enjoy—not a constitutional right but a right to elect 2 Senators for a group of 500,000 people—or would you favor the other alternative, which is not a happy one, of giving them 2 Senators, which of course is the power that is given to roughly 8 million people here in this country?

In order to arrive at a balance so we are not depriving the people of Hawaii of anything—and we are not taking a power away from the people in 48 States—would you favor a constitutional amendment—and there have been no States admitted since there has been a change in the method of electing by popular suffrage rather than by electing them as legislators—would you favor an amendment to permit Hawaii to have statehood, but based upon a limited number of senators, and the number of Senators would depend upon the proportion at suffrage in the Senate of the 48 States, the people of 48 States, so that Hawaii would have the same senatorship, the same power, on the basis of population, as the people of the 48 States?

Now what is improper or what is unfair about that?

Mr. O'BRIEN. Would the gentleman yield just to rephrase the question?

You would assume that there would be a minimum of one Senator.

Mr. PILLION. No. Only if they had the average. That is when they would get their first one. If the average is 1,600,000, they would then have 1 Senator when they reached a population of 800,000.

Mr. O'BRIEN. When they reached that population, they would have one Senator?

Mr. PILLION. Now, what is wrong with that?

Mr. MASAOKA. I would like to say that, as an American citizen—and I happen to be a resident of Utah, not of Hawaii—I feel very strongly that that is also a kind of discrimination. There are only two incorporated Territories left that the Congress has admitted as incorporated Territories—Alaska and Hawaii. These are the only two States, and long ago when our Founding Fathers set up this Government, they decided that each State should have representation based upon the political fact of being a State, namely, in the Senate; then they felt that they should have representation based upon population, which is in the House.

Here in the United States today, even in the East, certain States like Delaware have 2 Senators, and they only have 1 member of the House of Representatives.

Now, certainly I do not think you, Mr. Congressman, are suggesting a constitutional amendment that would deprive Delaware, perhaps, of a Senator or two.

Mr. PILLION. The Constitution would not permit that. That is un-amendable.

Mr. MASAOKA. Therefore, I think in all fairness, when Hawaii and Alaska were invited and admitted as incorporated Territories, when we gave them an implicit and implied promise based upon the historical precedents before them, that what you propose would be unfair at this late stage.

Mr. PILLION. That proves to me that you are not seeking the right of home rule, you are not seeking senatorship, you are not seeking senatorship based upon an average; you want statehood primarily for the political power that it gives to those people.

Mr. SAYLOR. That is a matter of opinion.

Mr. MASAOKA. May I make one statement about the Communist racial line, Mr. Chairman?

Mr. O'BRIEN. One minute while we decide who has the floor.

Mr. ROGERS. I have one more question to ask. I yielded to Mr. Pillion and then agreed to yield to Mr. Burns, but I did not agree to yield the floor.

Mr. O'BRIEN. When will we arrive at the moment when somebody decides to yield to Mr. Saylor?

Mr. ROGERS. I will be glad to do that after Mr. Burns.

Mr. MASAOKA. I do not think that the admission of Hawaii per se will stop the Communists from using the race line, but I do say this: The Communists will lose their most effective propaganda line in the Far East, where there are more than two-thirds of the world's population to be won, because the predominant population of Hawaii, the crucial showcase, as far as these people are concerned, is the Territory of Hawaii, and what we mean and say as Americans, with the Territory of Hawaii and its Asiatic ancestral population, is the answer to the people in the Far East.

Mr. PILLION. Does the gentleman think that Mr. Sukarno of Indonesia gives a damn whether Hawaii has statehood or not; does the gentleman think that Mr. Nehru of India gives a damn?

Mr. MASAOKA. Yes; I do.

Mr. PILLION. That it would influence those gentlemen in their thinking. I do not think so.

Mr. MASAOKA. For this reason: That with the people of Hawaii, who have an appreciation of some of their problems, in the national

Congress to try to set up some of the reasons for their position, I think they would feel that they have a friendlier voice in court.

Mr. BURNS. Is it the consensus of opinion of people of oriental ancestry in Hawaii—Americans all, but of oriental ancestry—that the basic reason that they are not granted statehood is because of their racial ancestry?

Mr. MASAOKA. That is true, and it is used over and over again.

Mr. BURNS. Among the people of Hawaii?

Mr. MASAOKA. Yes.

Mr. BURNS. I mention that in connection with Dr. Schwarz' statement. In addition to that, do you remember Harry Bridges' position during the Korean war—his public position and his avowed position?

Mr. MASAOKA. I cannot state it specifically.

Mr. BURNS. For the record, he was opposed to it as an imperialistic war and said we should not be at war and that we should get out. And what was the reaction of the ILWU in that Territory?

Mr. MASAOKA. It was completely to aid the war effort. I think of all the territories in the United States not a single Hawaiian became a turncoat, not a single Hawaiian became a traitor, and the percentage of Hawaiians in the military service who saw combat in Korea is much higher, I understand, than any other area in the United States.

Mr. BURNS. And the efficiency of transportation and moving things from the docks of Hawaii and moving things out was exemplary?

Mr. MASAOKA. It was more than exemplary. I think it was better than it ever was before.

Mr. BURNS. Thank you.

Mr. ROGERS. One more question and I will yield the floor.

As I understand your testimony and the general feeling of the people of Hawaii, you believe in the political philosophy of this country?

Mr. MASAOKA. Yes, sir.

Mr. ROGERS. And the people of Hawaii do likewise.

Now, if it could become established in your mind that if this Government, by taking in Alaska or Hawaii as a State, or both of them, would be required to change some of the basic political philosophy upon which this Government is founded, what would be your position with regard to statehood for either or both?

Mr. MASAOKA. I do not quite understand your question.

If the admission of these States would require a basic change in the philosophy?

Mr. ROGERS. That is right, the admission of these States.

Mr. MASAOKA. In the political philosophy?

Mr. ROGERS. In the political philosophy of this country.

Mr. MASAOKA. That is inconceivable to me, sir, because, as I understand, our entire political philosophy, extending to Territories as such, is that Hawaii and Alaska have a legitimate right to ask for statehood.

Mr. ROGERS. I am not talking about that.

Basically, I am talking about the contiguity question. You understand that most of our laws and the construction and interpretation of our laws has been on the assumption of a contiguous body insofar as the Nation is concerned, and any laws or any rules or regulations that have been adopted with relation to any noncontiguous pieces of land have been more or less exceptions from the rules.

Now, what I have in mind is this: that if we take in a complete State in the middle of the Pacific Ocean, which is separated by international waters from this country, and in fact is separated within itself, I believe, six times by international waters, and the Territory of Alaska which is not only separated by the international seas, but is also separated by foreign power insofar as access of this country to that particular State—if that would require the change in basic political philosophies of this country and you were so convinced in your own mind, would you be still for statehood or against it?

Mr. MASAOKA. I am for statehood, because the advantages of having Hawaii and Alaska as a State would far outweigh any of the difficulties that you might mention. I think that the contiguity question is now beside the point because of the transportation factor.

I would like to say that, more important than the contiguity factor in relationship to geography is the fact that people of Hawaii are contiguous to the mainland by sentiment, by loyalty, and by political beliefs.

Mr. ROGERS. I will not pursue it any further.

Mr. SAYLOR. I want to congratulate you first on your statement. I think that you are an excellent representative of the Americans of Japanese ancestry here in Washington. I would like to ask you this: Whether or not during World War II you know or have heard that in the island of Hawaii, or in the mainland of the United States, that there was any act of disloyalty or betrayal of this country by any American of Japanese ancestry that you know of?

Mr. MASAOKA. The records of the FBI, Congressman Saylor, and the Army and Navy Intelligence, show very conclusively that before, during, and after the attack on Pearl Harbor, both in the Territory of Hawaii and on the mainland of the United States, there was not a single instance of espionage or sabotage committed by a resident alien or an American citizen of Japanese ancestry.

As a matter of fact, the first Japanese enemy captured at Pearl Harbor was by a Japanese-American.

I think the records throughout will demonstrate that the only sabotage and espionage committed by the Japanese—I mean on behalf of the Japanese Government—was by the official Japanese consular agents or by non-Japanese.

It happens that our very identifiable features, our hair, our eyes, and so on, make it more difficult, even if we wanted to, and I do not think the Japanese Government would try to use people who would be so easily identified for the very important and delicate job of espionage or sabotage. We just can be singled out and identified too quickly.

Mr. SAYLOR. I would like to go on record here as affirming your statement with regard to Americans of Japanese ancestry who participated both in World War II and in Korea. It has been my good fortune to know and to love a number of the men who participated in both of those conflicts.

Now, am I correct in my statement that the 442d regimental combat team made up of Americans of Japanese ancestry suffered more casualties than any other unit of the United States Army in World War II?

Mr. MASAOKA. The records of General Marshall, Chief of Staff, showed that the 442d Regimental Combat Battalion suffered 314 per-

cent casualties, which is more than three times the turnover of the combat team.

I think that the general understanding is that for length of service in combat, and for its size, no group in the entire military history of the United States won more decorations or suffered more casualties.

Mr. SAYLOR. One other thing that I would like to ask—I could go on with this line as long as we could stay here because I think it is a record that is enviable. It is a record that stands out in American history; it is proof to me of the fact and to the people in Pennsylvania whom I know that worked with and trained men who were a part of the 442d and the 100th Battalion that were in service—that they were the best trained group of men in the Army. Time will not permit of many questions, but there is one further question I would like to ask that I think we should get into the record.

Were any of the Japanese war criminals that were tried following the cessation of hostilities of World War II persons from Hawaii?

Mr. MASAOKA. No. It is a matter of interest to me personally that General Araki—I think he was chief of staff in the Imperial Japanese forces—during the war crimes trial commented on the fact that Japanese-Americans proved themselves so American that it was even a surprise to them.

I am happy that Congressman Pillion pointed out the fact that throughout these hearings in the Senate and the House, no allusion was made to disloyalty. I think it proves one significant thing. After all, in spite of the slant of our eyes, it is the slant of our hearts that counts, and that Americans of Japanese ancestry in Hawaii are just as American in every way as are their fellow Americans of any other nationality in the United States. That is the beauty of the American way.

Mr. O'BRIEN. I might say that the gentleman from New York is not so much concerned about the racial blood as he is the political blood. He is afraid that another transfusion by New York State of its strength in the Senate might be too much.

Mr. BARTLETT. Is it not true that the American Constitution has been applied to the organized incorporated Territories of Hawaii and Alaska already?

Mr. MASAOKA. I understand so.

Mr. BARTLETT. Do you believe that any violence has been done to American political traditions or philosophy by reason of the application of the United States Constitution to these Territories?

Mr. MASAOKA. No. I think Alaska and Hawaii have demonstrated the vitality and ability of democracy to meet new situations.

Mr. SAYLOR. Alaska and Hawaii have been Territories since what time?

Mr. MASAOKA. In the case of Hawaii, since 1896, I believe.

Mr. BARTLETT. Alaska, 1884.

Mr. SAYLOR. Which far antedates the change in the Constitution referred to by our distinguished colleague from New York, Mr. Pillion, and therefore, I say that we would be doing more violence to the Constitution by trying to take the amendment which he proposes than by admitting two Senators from Alaska and Hawaii, regardless of their ancestral backgrounds.

The thing that I am interested in is that they send four Americans. I do not care what their ancestral background is.

Mr. O'BRIEN. May the Chair say that he is very grateful to the Congressmen for their attendance at these hearings and for the interest of the witness in these hearings.

The hearings on statehood for Hawaii are now ended.

(Whereupon, at 12:50 p. m., the hearing was concluded.)

COMMITTEE NOTE.—The following material on the boundaries of the State of Hawaii, including a map of the Hawaiian Archipelago, were included in the Hawaii-Alaska Statehood hearings of the 84th Congress, and are inserted here for informational purposes.

BOUNDARIES OF THE STATE OF HAWAII

The Committee on Interior and Insular Affairs gave careful study to the various proposals for delineating the new boundaries of the new State of Hawaii. After lengthy consideration it was agreed the following metes-and-bounds description by latitude and longitude should be incorporated by reference in the record:

"The State of Hawaii shall consist of all the territory now included in the said Territory of Hawaii (except the atoll known as Palmyra Island together with its appurtenant reefs and territorial waters), more particularly described as follows: All the islands and other bodies of land exposed at low tide that form the Hawaiian Archipelago together with the reefs and territorial waters appurtenant to such islands and other bodies of land, except the Midway Islands together with their appurtenant reefs and territorial waters. For the purpose of this provision the Hawaiian Archipelago is defined as the islands and other bodies of land exposed at low tide, whether now or hereafter existing, that lie within the following line: Beginning at the intersection of the meridian of longitude 154 degrees west with the parallel of latitude 25 degrees north; thence west along said parallel to its intersection with the meridian of longitude 160 degrees west; thence north along said meridian to its intersection with the parallel of latitude 27 degrees north; thence west along said parallel to its intersection with the meridian of longitude 175 degrees west; thence north along said meridian to its intersection with the parallel of latitude 29 degrees north; thence west along said parallel to its intersection with the meridian of longitude 179 degrees west; thence south along said meridian to its intersection with the parallel of latitude 24 degrees north; thence east along said parallel to its intersection with the meridian of longitude 169 degrees west; thence south along said meridian to its intersection with the parallel of latitude 21 degrees north; thence east along said parallel to its intersection with the meridian of longitude 161 degrees west; thence south along said meridian to its intersection with the parallel of latitude 18 degrees north; thence east along said parallel to its intersection with the meridian of longitude 154 degrees west; thence north along said meridian to the place of beginning; all of said meridians of longitude being described by reference to the number of degrees west of Greenwich, and all of said parallels of latitude being described by reference to the number of degrees north of the Equator. For the purposes of this provision, territorial waters are defined as all inland waters, all waters between the line of mean high tide and the line of ordinary low water, and all waters seaward to a line 3 geographical miles distant from the coastline, said coastline being described as the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

The foregoing language was drafted by the Department of the Interior and the Senate committee staff after a conference in 1953, held at the request of the committee, by representatives of the Departments of State, Interior, Navy, and Justice, the Coast and Geodetic Survey, the Civil Aeronautics Board, the Maritime Administration, and others.

A map showing the areas of the Hawaiian Archipelago which would be enclosed within the rectilinear perimeter delineated in the quoted language is published herewith. This map was prepared in the Department of the Interior with technical assistance from the Legislative Reference Service of the Library of Congress.

Attention is invited to the letters of the Assistant Attorney General of the United States dated January 13, 1954, and the General Counsel of the Department of Defense dated January 1954, set forth in full below, on the question of boundaries.

DEPARTMENT OF JUSTICE,
Washington, January 13, 1954.

Hon. GUY CORDON,
Chairman, Subcommittee on Territories and Insular Affairs,
Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.

DEAR SENATOR CORDON: This is in response to your recent request for comments on confidential committee print No. 3 of Senate bill 49, to provide statehood for Hawaii, with respect to submerged lands and boundary questions.

As you know, the only territorial description of the new State contained in the bill is the provision of section 1 that "the State of Hawaii shall consist of all the territory now included in the said Territory of Hawaii." However, there is no existing authority designation of the area included in the Territory, and there is at least some degree of doubt as to the extent of interisland waters embraced in the Territory and the inclusion of certain islands, particularly Johnston and the Midway Islands. The Organic Act of the Territory (31 Stat. 141, Sec. 2; Apr. 30, 1900) describes it merely as consisting of the islands acquired under the joint resolution of annexation. That resolution, in turn, refers merely to "The Hawaiian Islands and their dependencies" (30 Stat. 760; July 7, 1898). The report of the Commission on Annexation (S. Doc. 16, 55th Cong., 3d sess., p. 4; Dec. 6, 1898) enumerates the Hawaiian Islands, including Palmyra and omitting Johnston and the Midway Islands and Kingman Reef. This is generally accepted as being correct; but it may be noted that Johnston Island is considered part of Honolulu County at least for census purposes (see Webster's Geographic Dictionary (1940), p. 521) and was said by the sixth report of the United States Geographic Board (1933), page 401, to belong to Hawaii. By a dictum in *United States v. Fullard-Leo* (331 U. S. 256, 262, 1947), the Supreme Court indicated that Johnston Island was not part of Hawaii. There is similar doubt as to the water area of the Territory. The Second Act of Kamehameha III (1846) and a Privy Council resolution of 1850 asserted jurisdiction over interisland channel waters, the former even asserting the right by proclamation to exclude foreign shipping, apparently indicating that the waters were regarded as inland rather than merely Territorial. However, the statute was repealed by section 1491 of the Civil Code of 1850, and the Privy Council resolution has been held to have been *ultra vires* (*Territory of Hawaii v. Liliuokalani*, 14 Hawaii 88, 1902). Nevertheless, the view has often been expressed that the interisland channels remain part of the Territory. In view of these doubts, it may be considered desirable to define the new State explicitly.

On March 20, 1953, a conference was held between representatives of the Departments of State, Interior, Navy, and Justice, the Coast and Geodetic Survey, the Civil Aeronautics Board, the Bureau of the Budget, the Maritime Administration, and others, to discuss the general problem. The tentative conclusion was there reached that it would be most desirable to describe the new State as including all islands within a described perimeter. For that purpose the Interior Department suggested a parallelogram rather closely embracing Hawaii and extending roughly northwest by west so as to take in Kure, but excluding Johnston Island and Kingman Reef. To the islands within that area should be added Palmyra, held to belong to Hawaii in *United States v. Fullard-Leo* (331 U. S. 256, 1947). The Navy Department, as the sole occupant of the Midway Islands, suggested that they should be specifically excluded from the new State, as they are not included within the Territory although lying within the proposed perimeter. The rectilinear perimeter described in the proposed amendment furnished to me by Mr. French has the same advantages, with the added advantage that whether any given location was inside or outside of the line could be determined directly from its latitude and longitude, without need for the computation or graphic inspection that would be required in the case of a diagonal boundary. Like the diagonal perimeter, it excludes Johnston Island and Kingman Reef.

The conference referred to did not intend that the water area within the proposed perimeter should be claimed; but no specific decision was reached as to what water area should be included in the State. The House Committee on

Interior and Insular Affairs had been studying the general question of seaward boundaries, pursuant to House Resolution 676 of the 82d Congress (see H. Rept. No. 2515, 82d Cong.), and the feeling was that if that study were to be continued the Hawaiian question should be dealt with as part of it and not separately. However, it now appears that the House committee is not pursuing the subject further; and as the problem is particularly pressing with respect to Hawaii, it seems that it should be dealt with here. The suggestion has sometimes been made that the usual rules for Territorial waters might be liberalized in the case of archipelagoes, but the United States has not adopted such a policy. Serious questions of policy, both domestic and foreign, are involved, which do not concern this Department. Domestically, whether the waters between the islands were Territorial waters or high seas would determine, for example, whether or not interisland commerce were intrastate and so subject to local regulation. Internationally, such questions would be presented as whether the United States were entitled to exclusive fishing rights in those waters. In any case, there would be no right to exclude innocent passage of foreign merchant vessels, unless the channels were claimed as inland water as was apparently done by the Second Act of Kamehameha III. Heretofore, as you know, the policy of the United States has been in general to maintain maximum freedom of the seas, with corresponding strict limitation of our own claims of inland waters and restriction of our claim of marginal sea to 3 miles. The advantages thus gained for our commercial and naval operations throughout the world have been thought to outweigh any defensive disadvantage resulting from the restriction of our own marginal belt. Your proposed amendment expressly adopts the 3-mile rule, thus adhering to the traditional policy, but does not specifically deal with the possible claim of the channels as inland waters, although I assume that you do not intend to advance such a claim. If those channel waters are not claimed as either inland or Territorial, they will of course remain high seas, with the United States having no special rights in them except to the extent that there is an island shelf in which an interest is claimed similar to that in the Continental Shelf. Since such a shelf area beyond Territorial waters is outside State boundaries, there is no occasion to refer to it in this act.

With respect to lands beneath navigable waters, some provision such as section 8 (f) is probably desirable, to avoid any question as to whether the Submerged Lands Act applies to Hawaii. However, I should prefer to avoid use in that connection of the phrase "equal footing" which appears in Confidential Committee Print No. 3 and in your first proposed substitute wording, a copy of which was received from Mr. French on December 11. This phrase, of course, does not appear in your second proposed substitute, as dictated by you by telephone on December 11.

As a further comment on your first proposed substitute, I believe that the phrase "lands and waters" in the fourth line should be "lands and natural resources," since the Submerged Lands Act gives to the States no rights in waters as such.

Your second proposed substitute, as taken down over the telephone, beginning "There is hereby," etc. That should, I think, be "There are hereby," etc., and may have been so written by you. As worded, this substitute seems to contain an affirmative implication that the Submerged Lands Act was only applicable, as enacted, to existing States. While the point may not be free from doubt, it seems preferable not to employ any wording tending to resolve in that direction the doubt as to the meaning of that act. I wonder if it would not be simpler and more noncommittal merely to provide something like this: "Public Law 31, 83d Congress, 1st session (67 Stat. 29), shall be applicable to the State of Hawaii, and that State shall have the same rights as do existing States thereunder."

I am advised by the Bureau of the Budget that the views herein expressed do not conflict with the President's program.

Sincerely yours,

J. LEE RANKIN,
Assistant Attorney General.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington 25, D. C., January 19, 1954.

HON. HUGH BUTLER,

Chairman, Committee on Interior and Insular Affairs,
United States Senate.

DEAR SENATOR BUTLER: I refer to your letter of January 13 to the Secretary of Defense relating to the provision in S. 49, the Hawaiian statehood bill, which

would limit the new State of Hawaii to a sea boundary of 8 miles from the coasts of the several islands which will comprise the State. Your specific question was whether this provision would limit or reduce whatever jurisdiction or control the Department of Defense may now have over the waters adjacent to Hawaii.

The jurisdiction and control exercised by the United States in the Territorial waters is sometimes expanded for defense purposes by the establishment of maritime control areas, air space reservation, and defensive sea areas. This capacity to police the water areas contiguous to the coasts of the United States exists in exactly the same measure whether these areas are contiguous to the various States of the United States or contiguous to its Territories.

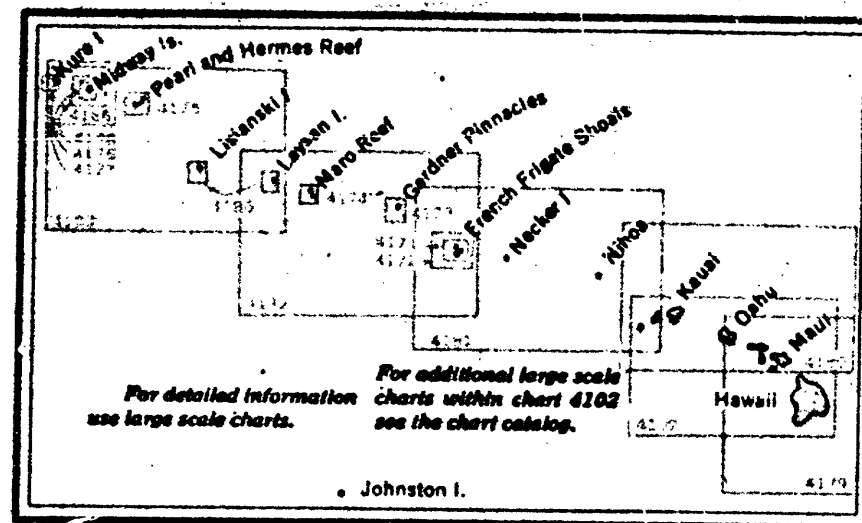
The admission of the Territory of Hawaii as a State of the United States on the basis of the traditional 3-mile Territorial waters belt would not in any way affect the jurisdiction and control which may be exercised for defense purposes in maritime control areas, air space reservations, or in defensive sea areas. The right to establish in any reasonable manner special jurisdiction over certain areas of the high seas beyond the traditional 3-mile Territorial waters belt is well recognized in international law as a right which a sovereign may exercise to insure adequate protection of its Territory. The change of the status of an area from a Territory to a State does not affect this right under international law. The Department of Defense does not claim any special jurisdiction or control beyond the 3-mile Territorial limits other than the right to establish defensive measures as described herein.

In view of the foregoing the substance of those provisions of Committee Print No. 5 of S. 40 which relate to the 3-mile limit have the concurrence of the Department of Defense.

Sincerely yours,

H. STUVE HENSEL.

X



ABBREVIATIONS (For complete list of Symbols and Abbreviations, see C. & G. S. Chart No. 1):

Lights: F. fixed, FL. flashing, Qk. quick, I. Qk. interrupted quick, S-L. short-long, Occ. occulting, Alt. alternating, Gp. group, W. white, R. red, G. green, m. nautical miles, min. minutes, sec. seconds, ev. every, D. destroyed, to be reestablished; vis. visible; SEC. sector; OBSC. obscured; AERO. aeronautical light. Lights are white unless otherwise indicated.

Buoys: C. can, N. nun, S. spar, REF. reflector; T.B. temporary buoy. Day Beacons: Δ, white unless otherwise indicated.

R. Bn. radiobeacon.

C.G. Coast Guard Station; R. Tr. radio tower; D.F.S. distance finding station.

Cl. clay, Co. coral, G. gravel, Grs. grass, M. mud, Rk. rock, S. sand, Sh. shells, bk. black, br. brown, bu. blue, gy. gray, gn. green, rd. red, wh. white, yl. yellow, hrd. hard, rky. rocky, sft. soft, sth. sticky.

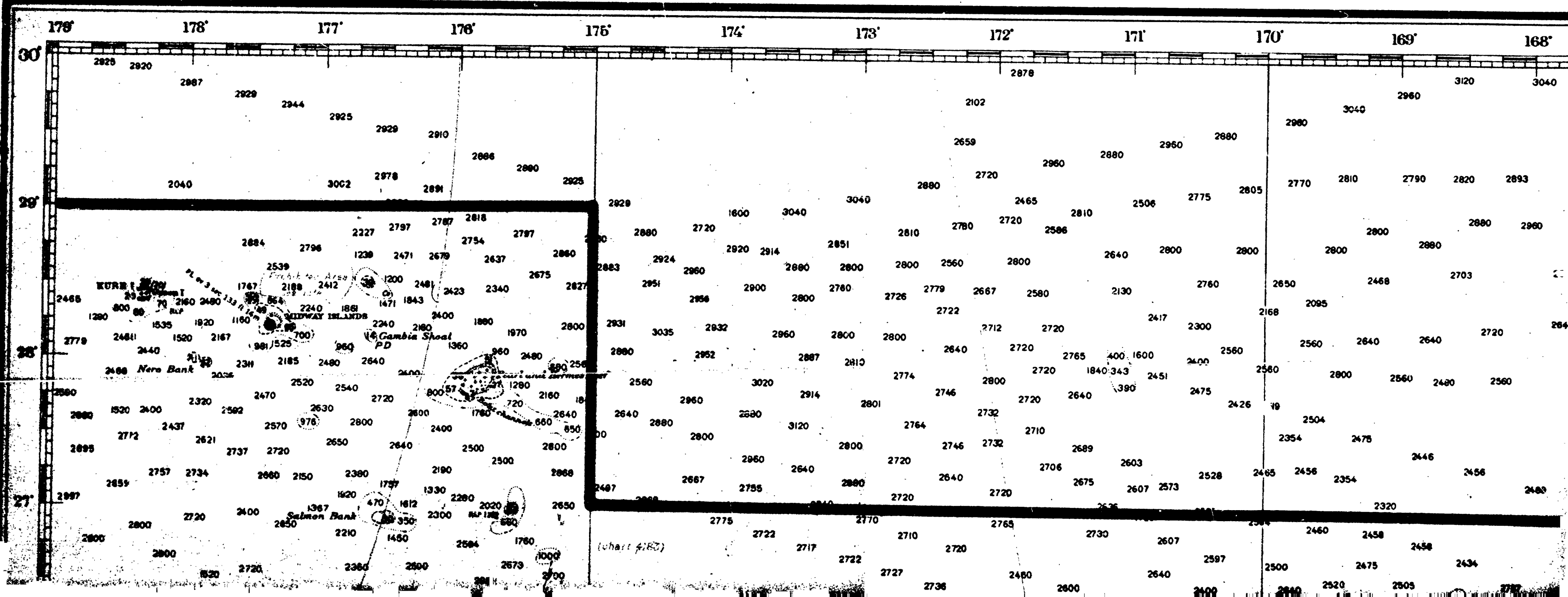
23 Wreck, rock or obstruction swept clear to the depth indicated.

(2) Rocks that cover and uncover, with heights in feet above datum of soundings.

P.D. position doubtful; E.D. existence doubtful; Obstr. obstruction.

HAWAII

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Temporary defects in aids to navigation are not indicated on the charts, except where a buoy replaces a fixed aid. See Notice to Mariners.

